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Regulations and Non-Regulatory Revisions to State Implementation Plan: Nevada

Atlantic Environmental Associates, Inc.
Waltham, MA

Prepared for

Environmental Protection Agency
Research Triangle Park, NC

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Regulations and Non-Regulatory Revisions to State Implementation Plan: Nevada

By

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Contract No. 68-02-3565

EPA Project Officer: Willis P. Beal

Prepared for

U.S ENVIRONMENTAL PROTECTION AGENCY
Control Programs Development Division
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16. ABSTRACT

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA-approved State and/or local air pollution control regulations cited by reference in the Federal Register; regulations promulgated as of August 1, 1981 have been included in this document.

The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979. State and/or local air quality regulations which have not been Federally approved as of August 1, 1981, are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State, or local agencies to enforce such regulations. A summary sheet of the regulatory revisions is provided to give a quick historical assessment of the changes.

The second part of the document contains the text of non-regulatory SIP revisions approved by EPA up to August 1, 1981, excluding notices or certifications of public hearings and technical support data. A complete tabulation of these revisions is also provided.

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This report has been reviewed by the Control Programs Development Division of the Office of Air Quality Planning and Standards, EPA, and approved for publication. Mention of trade names or commercial products is not intended to constitute endorsement or recommendation for use. Copies of the entire document are available for inspection and copying at EPA Headquarters (401 M Street SW, Washington, DC 20460), EPA's Office of Air Quality Planning and Standards (Room 826, 411 West Chapel Hill Street, Durham, NC 27701), and the appropriate EPA Regional Offices. Documents containing only the regulatory portions of each State Implementation Plan may be ordered for a nominal fee from the National Technical Information Services, U.S. Department of Commerce, 5285 Port Royal Road, Springfield, Virginia 22161.

PREFACE

This document has been produced in compliance with Section 110(h) of the Clean Air Act, as amended in 1977, which mandates periodic publication of State Implementation Plan (SIP) requirements. The first section of the document comprises the Federally approved SIP regulations. It consists of the EPA approved State and/or local air pollution control regulations cited by reference in the Federal Register; all regulations Federally promulgated as of August 1, 1981 have been included.

The present compilation constitutes an update of a previous documentation of regulations as of July 1, 1979.* State and/or local air quality regulations which have not been Federally approved as of August 1, 1981 are not included. However, any omissions of regulations from this document in no way affects the ability of the respective Federal, State or local agencies to enforce such regulations.

This document is not intended to provide a tool for determining the enforceability of any given regulation. Rather, it is intended to provide a comprehensive compilation of those regulations which are incorporated by reference into Title 40, Part 52, of the Code of Federal Regulations (CFR). The exclusion of a Federally approved regulation from this document does not diminish the enforceability of the regulation. Similarly, the inclusion of a given regulation in this document does not, in itself, render the regulation enforceable by either the State or EPA.

The regulations have been organized in this document according to the official State/local agency format. However, since State air quality regulations vary widely in their organization, content, and language, a standardized subject index has been added. The index listings consist of both pollutant and activity oriented categories to facilitate usage. For example, regulations which apply to copper smelters may be found under sulfur compounds (50.2), particulate matter process weight (50.1.1), or copper smelters (51.15). Federal regulations pertaining to a given State are not included herein but can be found under Title 40 Code of Federal Regulations, Part 52.

Additionally, a summary sheet of the regulatory revisions is included to provide a quick historical assessment of the changes. These summary sheets contain the date of submittal to EPA of each revision and the Federal Register publication date on which the revision was approved by EPA. A brief description of the regulation which was submitted is also included.

In accordance with the Act, the second part of the document contains non-regulatory SIP revisions approved by EPA up to August 1, 1981. All approved non-regulatory revisions listed under Identification of Plan in the CFR are included except notices or certifications of public hearings, and technical support data. Non-regulatory submittals which have only received EPA approval on selected elements are included in their entirety with an accompanying indication of the status of Federal actions on the non-approved elements. The non-regulatory revisions have been organized in this document according to the date of publication of EPA approval in the Federal Register. For historical completeness, a complete tabulation of these revisions is provided at the beginning of this second section.

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* Regulations and Non-Regulatory Revisions to State Implementation Plan: Nevada, EPA-450/2-80-035, prepared under Contract 68-02-3388, July, 31, 1980.

SUMMARY OF
EPA-APPROVED REGULATORY REVISIONS TO STATE OF NEVADA SIP
BETWEEN JULY 1, 1979 AND JULY 31, 1981

Publication of Approval	Submittal Date	Page	Document Description
07/10/80	12/29/78	45FR46304	Nevada Revised Statutes Policy Declarations: Definitions: 445.401, 445.406, 445.411, 445.416, 445.421, 445.424, 445.427, 445.431, 445.441, 445.446; State Environmental Commission: 445.451, 445.456, 445.461, 445.466, 445.471, 445.472, 445.473, 445.474, 445.476; Local Hearing Boards: 445.486; Enforcement Provisions: 445.491, 445.496, 445.497, 445.498, 445.499, 445.501; Variances: 445.506, 445.511, 445.516, 445.521; Hearings, Orders, Respecting Violations: 445.529; Local Air Pollution Control Programs: 445.548, 445.551, 445.558, 445.561, 445.566; Miscellaneous Provisions: 445.571, 445.581, 445.586, 445.596, 445.598; Penalties: 445.601; Deletions: Senate Bill 278, Sections 8.5, 17(1-4, 6, 7), 27, 38.
04/14/81	12/29/78	46FR21758	Revised statutes, Engine Emission Controls: 445.610, .620, .625, .630 - .700, .705, .710,. Nevada Air Quality Regulations for Mobile Equipment: Article 1-Section 1.1 to 1.38; Article 2-Section 2.1 to 2.2; Article 3-Section3.1 to 3.14.6; and Article 4-Section 4.1 to 4.20.
	07/24/79		Amendments to Nevada Air Quality Regulations: Articles 1 and 2. Amendments to Clark Co. Distric Board of Health Regulations: Section 15, 50, 51, and 52. Amendments to Washoe Co. Board of Health Regulations. Revised statutes, Engine Emission Control: 445.632, .634, .635, .644.
	09/18/79		Amendments to Clark Co. Board of Health Regulations: Sections 1, 15.
	03/17/80		Amendments to Nevada Air Quality Regulations: Article 13.1.3.

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STATE OF NEVADA

AIR QUALITY REGULATIONS

WHEREAS, the protection of the air resources of the State is deemed necessary for (1) the protection of the health, safety and well-being of its citizens, (2) the prevention of injury to plant and animal life and to the property, (3) the protection of the comfort and convenience of the public and the protection of the recreational resources of the State, (4) for the preservation of visibility and scenic, esthetic and historical values of the State; and

WHEREAS, the problem of air quality in this State is closely related to the problem of air quality in adjoining states; and

WHEREAS, Nevada Revised Statutes direct the adoption and enforcement of reasonable rules and regulations, and clearly reveal that is is the public policy of the State to preserve the air resources of the State, and to protect, maintain and improve the quality thereof; and to cooperate with other agencies of the State, agencies of other states and the federal government in carrying out these objectives; and

WHEREAS, with the advancement of technology, these regulations will be subject to revision and amendment;

NOW, THEREFORE, the Nevada State Commission of Environmental Protection adopts the following regulations:

ARTICLE 1: DEFINITIONS

1.1 Acid mist. Sulfuric acid mist, as measured by Method 8 of Appendix A or an equivalent or alternative method.

1.2 Act. The Clean Air Act (42 U.S.C. 1857 et seq., as amended by Public Law 91-604, 84 Stat, 1676).

1.3 Affected facility. With reference to a stationary source, any apparatus to which a standard is applicable.

1.4 Air conditioning equipment. Equipment utilized to heat or cool the interior of a building or structure.

1.5 Air contaminant. Any substance discharged into the atmosphere except water vapor and water droplets.

1.6 Air pollution. The presence in the outdoor atmosphere of one or more air contaminants or any combination thereof in such quantity and duration as may tend to:

> Injure human health or welfare, animal or plant life, or property.
>
> Limit visibility or interfere with scenic, aesthetic, and historical values of the State.
>
> Interfere with the enjoyment of life or property.

1.7 Alternative method. Any method of sampling and analyzing for an air pollutant which is not a reference or equivalent method but which has been demonstrated to the Director's satisfaction to, in specific cases, produce results adequate for his determination of compliance.

1.8 Aluminum equivalent. An amount of aluminum which can be produced from a ton of anodes produced by an anode bake plant as determined by Article 16.16.4.

1.9 Ambient air. That portion of the atmosphere surrounding people, animal, and plant life.

1.10 Anode bake plant. A facility which produces carbon anodes for use in a primary aluminum reduction plant.

1.11 Approved inspector. An individual person who has qualified by passing the written examination as prepared by the State Environmental Commission, has met an equivalency requirement acceptable to the Department of Motor Vehicles, and has been issued a certificate as an Approved Inspector.

1.12 Asphalt concrete plant. Any facility, as described in 16.6, used to manufacture asphalt concrete by heating and drying aggregate and mixing with asphalt cements.

1.13 Associated parking area. A parking facility or facilities owned and/or operated in conjunction with a complex source.

1.14 Atmosphere. All of the air surrounding the earth and external to buildings and structures.

1.15 Authorized station. A station licensed by the Department of Motor Vehicles for inspecting motor vehicles and pollution control devices for compliance with NRS 445 or any applicable federal or Commission regulation and for installing, repairing, and adjusting pollution control devices and motor vehicles to meet the Commission's requirements.

1.16 Basic oxygen process furnace (BOPF). Any furnace producing steel by charging scrap steel, hot metal, and flux materials into a vessel and introducing a high volume of an oxygen-rich gas.

1.17 Bituminous coal. Solid fossil fuel classified as bituminous coal by A.S.T.M. Designation D-388-66.

1.18 Blast furnace. Any furnace used to recover metal from slag.

1.19 Blowing tap. Any tap in which an evaluation of gas forces or projects jets of flame or metal sparks beyond the ladle, runner, or collection hood.

1.20 Brass or bronze. Any metal alloy containing copper as its predominant constituent, and lesser amounts of zinc, tin, lead, or other metals.

1.21 British thermal units (BTU). That quantity of heat required to raise the temperature of one pound of water from 62° Fahrenheit to 63° Fahrenheit.

1.22 Calcine. The solid materials produced by a roaster.

1.23 Calcium carbide. Materials containing 70 to 85 percent calcium carbide by weight.

1.24 Calcium silicon. That alloy as defined by A.S.T.M. Designation A495-64.

1.25 Capture system. The equipment (including hoods, ducts, fans, dampers, etc.) used to capture or transport particulate matter generated by an affected electric submerged arc furnace to the control device.

1.26 Certificate of Compliance. A certificate issued by an approved inspector in a licensed, authorized station that the motor vehicle identified on the certificate is properly equipped with the MVPC devices indicated on the certificate that such devices conform with the requirements of NRS 445 and rules and regulations as adopted by the State Environmental Commission.

1.27 Charge chrome. That alloy containing 52 to 70 percent by weight chromium, 5 to 8 percent by weight carbon, and 3 to 6 percent by weight silicon.

1.28 Charging period. The time period commencing at the moment an EAF starts to open and ending either three minutes after the EAF roof is returned to its closed position or six minutes after commencement of opening of the roof, whichever is longer.

1.29 Coal. All solid fossil fuels classified as anthracite, bituminous, subbituminous, or lignite by A.S.T.M. Designation D-388-66.

1.30 Coal preparation plant. Any facility (excluding underground mining operations) which prepares coal by one or more of the following processes: breaking, crushing, screening, wet or dry cleaning, and thermal drying.

1.31 Coal processing and conveying equipment. Any machinery used to reduce the size of coal or to separate coal from refuse, and the equipment used to convey coal to or remove coal and refuse from the machinery. This includes, but is not limited to, breakers, crushers, screens, and conveyor belts.

1.32 Coal refuse. Waste products of coal mining, cleaning, and coal preparation operations (e.g., culm, gob, etc.) containing coal, matrix material, clay, and other organic and inorganic material.

1.33 Coal storage system. Any facility used to store coal except for open storage piles.

1.34 Coke burn-off. The coke removed from the surface of the fluid catalytic cracking unit catalyst by combustion in the catalyst regenerator. The rate of coke burn-off is calculated by the formula specified in Article 16.7.6.

1.35 Combustible refuse. Any waste material which can be consumed by combustion.

1.36 Commenced. With respect to the definition of "new source" in section 111(a)(2) of the Act, that an owner or operator has undertaken a continuous program of construction or modification or that an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification.

1.37 Commercial fuel oil. A liquid or liquefiable petroleum product normally produced, manufactured, used, or sold for the purpose of creating useful heat.

1.38 Commission. The Environmental Commission as defined in NRS 445.

1.39 Complex source. Any property or facility that has or solicits secondary or adjunctive activity which emits or may emit any air contaminant for which there is an ambient air quality standard, notwithstanding that such property or facility may not itself possess the capability of emitting such air contaminants. Complex sources include, but are not limited to: Add y

a. Highways and roads;
b. parking facilities;
c. retail, commercial, and industrial facilities;
d. recreation, amusement, sports, and entertainment facilities;
e. airports;
f. office and government buildings;
g. apartment and condominium buildings;
h. education facilities;

and other such property or facilities which will result in increased air contaminant emissions from motor vehicles.

1.40 Condensate. Hydrocarbon liquid separated from natural gas which condenses due to changes in the temperature and/or pressure and remains liquid at standard conditions.

1.41 Confidential information. Information or records which:

> Relate to quantities or dollar amounts of production or sales; or relate to processes or production unique to the owner or operator; would tend to affect adversely the competitive position of the owner or operator, if disclosed.

1.42 Construction. Fabrication, erection, or installation of an affected facility.

1.43 Contiguous property. Any property under single or joint ownership or operatorship which is in physical contact, touching, near, or adjoining. Public property or public right-of-way shall not be deemed as a break in any contiguous property.

1.44 Continuous monitoring system. The total equipment, required under the emission monitoring sections in applicable subparts, used to sample and condition (if applicable), to analyze, and to provide a permanent record of emissions or process parameters.

1.45 Control device. The air pollution control equipment used to remove particulate matter generated by an electric submerged arc furnace from an effluent gas stream.

1.46 Converter. Any vessel to which lead concentrate or bullion is charged and refined.

1.47 Copper converter. Any vessel to which copper matte is charged and oxidized to copper.

1.48 Crankcase emissions. Air contaminants emitted into the atmosphere from any portion of the engine crankcase ventilation or lubrication systems.

1.49 Custody transfer. The transfer of produced petroleum and/or condensation after processing and/or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.

1.50 Cyclonic flow. A spiraling movement of exhaust gases within a duct or stack.

1.51 Day. 24 hours.

1.52 Diesel fuel. Low viscosity oil normally used in compression ignition engines.

1.53 Director. The Director of the Department of Human Resources or his designee or person designated by or pursuant to a county or city ordinance or regional agreement or regulation to enforce local air pollution control ordinances and regulations.

1.54 Direct shell evacuation system. Any system that maintains a negative pressure within the EAF above the slag or metal and ducts these emissions to the control device.

1.55 Drilling and production facility. All drilling and servicing equipment, wells, flow lines, separators, equipment, gathering lines, and auxiliary nontransportation-related equipment used in the production of petroleum but does not include natural gasoline plants.

1.56 Dross reverberatory furnace. Any furnace used for the removal or refining of impurities from lead bullion.

1.57 Dryer. Any facility in which a copper sulfide ore concentrate charge is heated in the presence of air to eliminate a portion of the moisture from the charge, provided less than 5 percent of the sulfur contained in the charge is eliminated in the facility.

1.58 Dust handling equipment. Any equipment used to handle particulate matter collected by the air pollution control device (and located at or near such device) serving any electric submerged arc furnace.

1.59 Dusts. Particulate matter released into ambient air by natural, mechanical, or chemical forces or processes.

1.60 Effective date. Thirty days after these regulations or amendments to these regulations have been filed with the Secretary of State.

1.61 Electric arc furnace (EAF). Any furnace that produces molten steel and heats the charge materials with electric arcs from carbon electrodes. Furnaces from which the molten steel is cast into the shape of finished products, such as in a foundry, are not affected facilities included within the scope of this definition. Furnaces which, as the primary source of iron, continuously feed prereduced ore pellets are not affected facilities within the scope of this definition.

1.62 Electric furnace. Any furnace which uses electricity to produce over 50 percent of the heat required in the production of refined brass or bronze.

1.63 Electric submerged arc furnace. Any furnace wherein electrical energy is converted to heat energy by transmission of current between electrodes partially submerged in the furnace charge.

1.64 Electric smelting furnace. Any furnace in which the heat necessary for smelting of the lead sulfide ore concentrate charge is generated by passing an electric current through a portion of the molten mass in the furnace.

1.65 Emission. The act of passing into the atmosphere an air contaminant or a gas stream which contains, or may contain, an air contaminant; or the material passed to the atmosphere.

1.66 Established place of business. (1) the permanent structure owned either in fee or leased with sufficient space to test, inspect, or adjust, if needed, one or more vehicles for which a certificate of compliance may be issued; and (2) large enough to accommodate the office or offices of an authorized station to provide a safe place to keep books, certificates of compliance, and all other records of this authorized station, at which site or location the principal portion of such licensee's business shall be open to inspection during usual business hours by any authorized agent of the Director of the Department of Motor Vehicles or any authorized agent of the Department of Human Resources.

1.67 Equivalent method. Any method of sampling and analyzing for an air pollutant which has been demonstrated to the Director's satisfaction to have a consistent and quantitatively known relationship to the reference method, under specified conditions.

1.68 Equivalent P_2O_5 feed. The quantity of phosphorus, expressed as phosphorus pentoxide, fed to the process.

1.69 Equivalent P_2O_5 stored. The quantity of phosphorus, expressed as phosphorus pentoxide, being cured or stored in the affected facility.

1.70 Exhaust emissions. Air contaminants emitted into the atmosphere from any opening downstream from the exhaust ports of a motor vehicle engine.

1.71 Exhaust gas analyzer. A device for sensing the amount of air contaminants in the exhaust emissions of a motor vehicle.

1.72 Existing facility. With reference to a stationary source, any apparatus of the type for which a standard is promulgated in this part, and the construction or modification of which was commenced before the date of proposal of that standard; or any apparatus which could be altered in such a way as to be of that type.

1.73 Existing source. Equipment, machines, devices, articles, contrivances, or facilities which are constructed, purchased, or in operation on the effective date of these regulations; except that any existing equipment, machine, device, article, contrivance, or facility which is altered, replaced, or rebuilt which increases the total emission after the effective date of these regulations shall be reclassified as a "new source."

1.74 Ferrochrome silicon. That alloy as defined by A.S.T.M. Designation A482-66.

1.75 Ferromanganese silicon. That alloy containing 63 to 66 percent by weight manganese, 28 to 32 percent by weight silicon, and a maximum of 0.08 percent by weight carbon.

1.76 Ferrosilicon. That alloy as defined by A.S.T.M. Designation A100-69 grades A, B, C, D, and E which contains 50 or more percent by weight silicon.

1.77 Fleet owner. An owner of three or more vehicles.

1.78 Floating roof. A storage vessel cover consisting of a double deck, ponatoon single deck, internal floating cover or covered floating roof, which rests upon and is supported by the petroleum liquid being contained, and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.

1.79 Fossil fuel. Natural gas, petroleum, coal, and any form of solid, liquid, or gaseous fuel derived from such materials for the purpose of creating useful heat.

1.80 Fossil fuel-fired steam generating unit. A furnace or boiler used in the process of burning fossil fuel for the purpose of producing steam by heat transfer.

1.81 Fresh granular triple superphosphate. Granular triple superphosphate produced no more than 10 days prior to the date of the performance test.

1.82 Fuel. Any form of combustible matter (solid, liquid, vapor, or gas), excluding combustible refuse.

1.83 Fuel gas. Any gas which is generated by a petroleum refinery process unit and which is combusted, including any gaseous mixture of natural gas and fuel gas which is combusted.

1.84 Fuel gas combustion device. Any equipment, such as process heaters, boilers, and flares used to combust fuel gas, but does not include fluid coking unit and fluid catalytic cracking unit incinerator-waste heat boilers or facilities in which gases are combusted to produce sulfur or sulfuric acid.

1.85 Fuel burning equipment.

Indirect heat transfer fuel burning equipment. Any device except internal combustion engines used for the combustion of fuel in which heat is transferred from the products of combustion indirectly for the production of useful heat or power.

Direct heat transfer fuel burning equipment. Any device except internal combustion engines used for the combustion of fuel in which heat is transferred from the products of combustion directly for the production of useful heat or power.

1.86 Fugitive dust. Any dust which becomes airborne other than that being emitted through a stack or chimney.

1.87 Furnace charge. Any material introduced into the electric submerged arc furnace and may consist of, but is not limited to, ores, slag, carbonaceous material, and limestone.

1.88 Furnace cycle. The time period from completion of a furnace product tap to the completion of the next consecutive product tap.

1.89 Furnace power input. The resistive electrical power consumption of an electric submerged arc furnace as measured in kilowatts.

1.90 Garbage. Putrescible animal or vegetable refuse.

1.91 Granular diammonium phosphate plant. Any plant manufacturing granular diammonium phosphate by reacting phosphoric acid with ammonia.

1.92 Granular triple superphosphate storage facility. Any facility curing or storing granular triple superphosphate.

1.93 GVW, gross vehicle weight. The manufacturer's gross weight rating for the individual vehicle.

1.94 Heat time. The period commencing when scrap is charged to an empty EAF and terminating when the EAF tap is completed.

1.95 High-carbon ferrochrome. That alloy as defined by A.S.T.M. Designation A101-66 grades HC1 through HC6.

1.96 High level of volatile impurities. A total smelter charge containing more than 0.2 weight percent arsenic, 0.1 weight percent antimony, 4.5 weight percent lead or 5.5 weight percent zinc, on a dry basis.

1.97 Hydrocarbon. Any organic compound consisting predominantly of carbon and hydrogen.

Insert (A)

1.98 Incinerator. An engineered apparatus capable of withstanding heat and designed to efficiently reduce solid, semisolid, liquid, or gaseous waste at specified rates, and from which the residues contain little or no combustible material.

1.99 Isokinetic sampling. Sampling in which the linear velocity of the gas entering the sampling nozzle is equal to that of the undisturbed gas stream at the sample point.

1.100 Kilogram-calorie. The amount of heat needed to raise the temperature of one kilogram of water one degree Centigrade (from 15° to 16°C.).

1.101 Lead. Elemental lead or alloys in which the predominant component is lead.

1.102 Light-duty motor vehicle. Any motor vehicle either designed primarily for transportation of property and rated at 2,721 kilograms (6,000 pounds) GVW or less or designed primarily for transportation of persons and having a capacity of 12 persons or less, or any motor vehicle designed primarily for purpose of transporting persons and property and rated by the manufacturer at 2,721 kilograms (6,000 pounds) GVW or less.

1.103 Local air pollution control agency. Any city, county, or district air pollution control agency approved by the Commission.

1.104 Major stationary source. Any building, structure, facility, or installation which emits or may emit any air contaminant and which contains one or a combination of the following:

1. affected facilities;
2. existing facilities;
3. facilities of the type for which no new source performance standards have been promulgated in Article 16.

1.105 Malfunction. Any sudden and unavoidable failure of air pollution control equipment or process equipment or of a process to operate in a normal or usual manner. Failures that are caused entirely or in part by poor maintenance, careless operation, or any other preventable upset condition or preventable equipment breakdown shall not be considered malfunctions.

1.106 Meltdown and refining. That phase of the steel production cycle when charge material is melted and undesirable elements are removed from the metal.

1.107 Meltdown and refining period. The time period commencing at the termination of the initial charging period and ending at the initiation of the tapping period, excluding any intermediate charging periods.

1.108 Model year of vehicle. The production period of new motor vehicles or new motor vehicle engines designated by the calendar year in which such period ends. If the manufacturer does not designate a production period, the model year with respect to such vehicles or engines shall mean the 12 month period beginning January of the year in which production begins.

1.109 Modification. Any physical change in, or change in the method of operation of, an existing facility which increases the amount of any air pollutant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air pollutant (to which a standard applies) into the atmosphere not previously emitted.

1.110 Monitoring device. The total equipment required under the monitoring of operations sections in applicable subparts, used to measure and record (if applicable) process parameters.

1.111 Motor vehicle. Every self-propelled vehicle in, upon, or by which any person or property is, or may be transported or drawn upon a public highway, except devices moved by human or animal power or used exclusively upon stationary rails.

1.112 MVPC. Motor Vehicle Pollution Control.

1.113 Multiple chamber incinerator. Any article, machine, equipment, contrivance, structure, or part of a structure used to dispose of combustible refuse by burning, consisting of three or more refractory-lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned.

1.114 New source. Equipment, machines, devices, articles, contrivances, or facilities built or installed on or after the effective date of these regulations.

1.115 Nitric acid production unit. Any facility producing weak nitric acid by either the pressure or atmospheric pressure process.

1.116 Nitrogen oxides. Nitrogen oxides. All oxides of nitrogen except nitrous oxide, as measured by test methods set forth in this part.

1.117 Nuisance. Anything which is injurious to health, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

1.118 Odor. A characteristic of an air contaminant which makes it perceptible to the sense of smell.

1.119 One-hour period. Any 60 minute period commencing on the hour.

1.120 Opacity. The property of a substance tending to obscure vision and measured in terms of percent obscuration. The relationship between opacity and Ringelmann number is approximately equal to the following in shades of white to gray.

Opacity (Percent)	Ringelmann Number
20	1
40	2
60	3
80	4
100	5

1.121 Open burning. Any fire from which the products of combustion are emitted into the atmosphere without passing through a stack or chimney.

1.122 Operating permit. A document issued and signed by the Director approving, with or without restrictions, the operation of a new or existing single source of air contaminants.

1.123 Owner or operator. Any person who owns, leases, operates, controls, or supervises an affected facility or a stationary source of which an affected facility is a part.

1.124 Particulate matter. Any material except uncombined water that exists in a finely divided form as a liquid or solid at reference conditions.

1.125 Pathological wastes. Human and animal remains consisting of carcasses, organs, and solid organic wastes from hospitals, laboratories, abattoirs, animal pounds, and similar sources.

1.126 Person. The State of Nevada, any individual, group of individuals, partnership, firm, company, corporation, association, trust, estate, political subdivision, administrative agency, public or quasi-public corporation, or other legal entity.

1.127 Petroleum. The crude oil removed from the earth and the oils derived from tar sands, shale, and coal.

1.128 Petroleum liquids. Petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Number 2 through Number 6 fuel oils as specified in A.S.T.M. D396-69, gas turbine fuel oils Numbers 2-GT through 4-GT as specified in A.S.T.M. D2880-71, or diesel fuel oils Numbers 2-D and 4-D as specified in A.S.T.M. D975-68.

1.129 Petroleum refinery. Any facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, or other products through distillation of petroleum or through redistillation, cracking or reforming of unfinished petroleum derivatives.

1.130 Pneumatic coal-cleaning equipment. Any facility which classifies bituminous coal by size or separates bituminous coal from refuse by application of air stream(s).

1.131 Point source. Any stationary source causing emission in excess of 23 metric tons (25 tons) per year of any pollutant for which there is an ambient air standard, or without regard to amount of emission, stationary sources such as those listed in 40 CFR 51, Appendix C.

1.132 Portland cement plant. Any facility manufacturing portland cement by either the wet or dry process.

1.133 Potroom. A building unit which houses a group of electrolytic cells in which aluminum is produced.

1.134 Potroom group. An uncontrolled potroom, a potroom which is controlled individually, or a group of potrooms ducted to the same control system.

1.135 Primary aluminum reduction plant. Any facility manufacturing aluminum by electrolytic reduction.

1.136 Primary control system. An air pollution control system designed to remove gaseous and particulate fluorides from exhaust gases which are captured at the cell.

1.137 Primary copper smelter. Any installation or any intermediate process engaged in the production of copper from copper sulfide ore concentrates through the use of pyrometullurgical techniques.

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1.138 Primary lead smelter. Any installation or any intermediate process engaged in the production of lead from lead sulfide ore concentrates through the use of pyrometallurgical techniques.

1.139 Primary zinc smelter. Any installation engaged in the production, or any intermediate process in the production, of zinc or zinc oxide from zinc sulfide ore concentrates through the use of pyrometallurgical techniques.

1.140 Process equipment. Any equipment used for storing, handling, transporting, processing, or changing any material, excluding that equipment specifically defined in these regulations as fuel burning equipment or incinerators.

1.141 Process gas. Any gas generated by a petroleum refinery process unit, except fuel gas and process upset gas.

1.142 Process upset gas. Any gas generated by a petroleum refinery process unit as a result of start-up, shutdown, upset or malfunction.

1.143 Process weight. The total weight of all materials introduced into a single source operation, including solid fuels, but excluding liquids and gases used solely as fuels and air introduced for purposes of combustion of the fuel.

1.144 Process weight rate. A rate established as follows:

> For continuous or long-run steady-rate operations, the total process weight for the entire period of continuous operation or for a typical portion thereof, divided by the number of hours of such period or portions thereof.
>
> For cyclical or batch unit operations or unit processes, the total process weight for a period that covers a complete operation or an integral number of cycles divided by the number of hours of actual process operation during such a period.
>
> Where the nature of any process, operation, or the design of any equipment is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value of allowable emission shall apply.

1.145 Product change. Any change in the composition of the furnace charge that would cause the electric submerged arc furnace to become subject to a different mass standard applicable under these regulations.

1.146 Proportional sampling. Sampling at a rate that produces a constant ratio of sampling rate to stack gas flow rate.

1.147 Reference conditions. All measurements of ambient air quality are corrected to a reference temperature of 25°C. (77°F.) and to a reference pressure of 760 millimeters of mercury (1,013.2 millibars).

1.148 Reference method. Any method of sampling and analyzing for an air pollutant as described in Appendix A of 40 CFR 60.

1.149 Refinery process unit. Any segment of the petroleum refinery in which a specific processing operation is conducted.

1.150 Registered owner. An individual, firm, corporation, or association whose name appears in the files of the motor vehicle registration division of the Department of Motor Vehicles as the person to whom the vehicle is registered.

1.151 Registration certificate. A document issued and signed by the Director certifying that:

a. Adequate empirical data for a single source has been received and shall constitute approval of location; or

b. an environmental evaluation has been submitted for a complex or a large stationary source and that all portions of Article 13 and any other Articles of these regulations have been complied with and shall constitute approval of location and for construction.

1.152 Reid vapor pressure. The absolute vapor pressure of volatile crude oil and volatile nonviscous petroleum liquids, except liquified petroleum gases, as determined by ASTM-D-323-58 (reapproved 1968).

1.153 Reverberatory furnace. Includes the following types of reverberatory furnaces: stationary, rotating, rocking, and tilting.

1.154 Reverberatory smelting furnace. Any vessel in which the smelting of copper sulfide ore concentrates or calcines is performed and in which the heat necessary for smelting is provided primarily by combustion of a fossil fuel.

1.155 Ringelmann chart. The chart published by the U.S. Bureau of Mines, which illustrates graduated shades of gray to black, for use in estimating the light obscuring capacity of smoke.

1.156 Roaster. Any facility in which a zinc sulfide ore concentrate charge is heated in the presence of air to eliminate a significant portion (more than 10 percent) of the sulfur contained in the charge.

1.157 Roaster. Any facility in which a copper sulfide ore concentrate charge is heated in the presence of air to eliminate a significant portion (5 percent or more) of the sulfur contained in the charge.

1.158 Roof monitor. That portion of the roof of a potroom where gases not captured at the cell exit from the potroom.

1.159 Run. The net period of time during which an emission sample is collected. Unless otherwise specified, a run may be either intermittent or continuous within the limits of good engineering practice.

1.160 Run-of-pile triple superphosphate. Any triple superphosphate that has not been processed in a granulator and is composed of particles at least 25 percent by weight of which (when not caked) will pass through a 16 mesh screen.

1.161 Salvage operation. Any operation conducted in whole or in part for the salvaging or reclaiming of any product or material.

1.162 Secondary control system. An air pollution control system designed to remove gaseous and particulate fluorides from gases which escape capture by the primary control system.

1.163 Secondary lead smelter. Any facility producing lead from a leadbearing scrap material by smelting to the metallic form.

1.164 Shop. The building which houses one or more EAF's.

1.165 Shop opacity. The arithmetic average of 24 or more opacity observations of emissions from the shop taken in accordance with Method 9 of Appendix A of 40 CFR 60 for the applicable time periods.

1.166 Shutdown. The cessation of operation of an affected facility for any purpose.

1.167 Silicomanganese. That alloy as defined by A.S.T.M. Designation A483-66.

1.168 Silicomanganese zirconium. That alloy containing 60 to 65 percent by weight silicon, 1.5 to 2.5 percent by weight calcium, 5 to 7 percent by weight zirconium, 0.75 to 1.25 percent by weight aluminum, 5 to 7 percent by weight manganese, and 2 to 3 percent by weight barium.

1.169 Silicon metal. Any silicon alloy containing more than 96 percent silicon by weight.

1.170 Silvery iron. Any ferrosilicon, as defined by A.S.T.M. Designation 100-69, which contains less than 30 percent silicon.

1.171 Single source. All similar process operations located at a single premise which can technically and economically be replaced by a single process that performs the same function. Two or more pieces of equipment or processes that handle different materials or produce dissimilar products will be treated separately.

1.172 Sinter bed. The lead sulfide ore concentrate charge within a sintering machine.

1.173 Sintering machine. Any furnace in which calcines are heated in the presence of air to agglomerate the calcines into a hard porous mass called "sinter."

1.174 Sintering machine discharge end. Any apparatus which receives sinter as it is discharged from the conveying grate of a sintering machine.

1.175 Six-minute period. Any one of the 10 equal parts of a one-hour period.

1.176 Slag. The more or less completely fused and vitrified matter separated during the reduction of a metal from its ore.

1.177 Smelting. Processing techniques for the melting of a copper sulfide ore concentrate or calcine charge leading to the formation of separate layers of molten slag, molten copper, and/or copper matte.

1.178 Smelting furnace. Any vessel in which the smelting of copper sulfide ore concentrates or calcines is performed and in which the heat necessary for smelting is provided by an electric current, rapid oxidation of a portion of the sulfur contained in the concentrate as it passes through an oxidizing atmosphere, or the combustion of a fossil fuel.

1.179 Smoke. Small particles consisting predominantly, but not exclusively of carbon, ash, or other combustible material, resulting from incomplete combustion.

1.180 Solid waste. Refuse, more than 50 percent of which is municipal type waste consisting of a mixture of paper, wood, yard wastes, food wastes, plastics, leather, rubber, and other combustibles, and noncombustible materials such as glass and rock.

1.181 Source. Any property, real or personal, which directly emits or may emit any air contaminant.

1.182 Special mobile equipment. Every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved upon a paved roadway.

1.183 Stack or chimney. Any flue, conduit, or duct arranged to conduct an air contaminant to the atmosphere.

1.184 Startup. The setting in operation of an affected facility for any purpose.

1.185 Standard. A standard of performance proposed or promulgated under these regulations.

1.186 Standard ferromanganese. That alloy as defined by A.S.T.M. Designation A99-66.

1.187 Stationary source. Any building, structure, facility, or installation which emits or may emit any air pollutant and which contains any one or combination of the following:

1. affected facilities;
2. existing facilities;
3. facilities of the type for which no standards have been promulgated.

1.188 Steel production cycle. The operations required to produce each batch of steel and includes the following major functions: scrap charging, preheating (when used), hot metal charging, primary oxygen blowing, additional oxygen blowing (when used), and tapping.

1.189 Stop order. A written notice by the Director served on a person or persons causing or engaging in the construction, installation, or alteration of work involving an air contaminant source or sources ordering such work to be stopped.

1.190 Storage vessel. Any tank, reservoir, or container used for the storage of petroleum liquids, but does not include:

1. Pressure vessels which are designed to operate in excess of 15 pounds per square inch gauge without emissions to the atmosphere except under emergency conditions.

2. Subsurface caverns or porous rock reservoirs.

3. Underground tanks if the total volume of petroleum liquids added to and taken from a tank annually does not exceed twice the volume of the tank.

1.191 Submerged fill pipe. Any fill pipe, the discharge opening of which is entirely submerged when the liquid level is 15 cm (6 inches) above the bottom of the tank; or when applied to a tank which is loaded from the side, shall mean any fill pipe, the discharge of which is entirely submerged when the liquid level is two times the fill pipe diameter above the bottom of the tank.

1.192 Sulfuric acid plant. Any facility producing sulfuric acid by the contact process.

1.193 Sulfuric acid production unit. Any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, organic sulfides and mercaptans, or acid sludge, but does not include facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

1.194 Superphosphoric acid plant. Any facility which concentrates wet-process phosphoric acid to 66 percent or greater P_2O_5 content by weight for eventual consumption as a fertilizer.

1.195 Tapping. The removal of slag or product from the electric submerged arc furnace under normal operating conditions such as removal of metal under normal pressure and movement by gravity down the spout into the ladle.

1.196 Tapping period. The time duration from initiation of the process of opening the tap hole until plugging of the tap hole is complete.

1.197 Tapping station. That general area where molten product or slag is removed from the electric submerged arc furnace.

1.198 Thermal dryer. Any facility in which the moisture content of bituminous coal is reduced by contact with a heated gas stream which is exhausted to the atmosphere.

1.199 Thermic process. An exothermic reaction when heating finely divided aluminum on a metal oxide causing reduction of the oxide.

1.200 Total fluorides. Elemental fluorine and all fluoride compounds as measured by reference methods specified in Article 16.16.4 or by equivalent or alternative methods.

1.201 Total smelter charge. The weight (dry basis) of all copper sulfides ore concentrates processed at a primary copper smelter, plus the weight of all other solid materials introduced into the roasters and smelting furnaces at a primary copper smelter, except calcine, over a one month period.

1.202 Transfer and loading system. Any facility used to transfer and load coal for shipment.

1.203 Triple superphosphate plant. Any facility manufacturing triple superphosphate by reacting phosphate rock with phosphoric acid. A rule-of-pile triple superphosphate plant includes curing and storing.

1.204 **True vapor pressure**. The equilibrium partial pressure exerted by a petroleum liquid as determined in accordance with methods described in American Petroleum Institute Bulletin 2517, Evaporation Loss from Floating Roof Tanks, 1962.

1.205 **Uncombined water**. Visible mist or condensed water vapor.

1.206 **Vapor recovery system**. A vapor gathering system capable of collecting all hydrocarbon vapors and gases discharged from the storage vessel and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere.

1.207 **Vehicle trip**. A single movement of a motor vehicle which originates or terminates at a single or complex source.

1.208 **Volatile organic compounds**. Any compound, containing carbon and hydrogen or containing carbon and hydrogen in combination with any other element, which has a vapor pressure of 1,055 kilograms per square meter (1.5 pounds per square inch) absolute or greater, under actual storage conditions.

1.209 **Waste**. Useless, unneeded, or superfluous matter; discarded or excess material.

1.210 **Weak nitric acid**. Acid which is 30 to 70 percent in strength.

1.211 **Wet garbage**. Any combination of waste and garbage which contains greater than 50 percent moisture.

1.212 **Wet-process phosphoric acid plant**. Any facility manufacturing phosphoric acid by reacting phosphate rock and acid.

1.213 The abbreviations used in these regulations have the following meanings:

A.S.T.M. - American Society for Testing and Materials
BTU - British Thermal Unit
°C - degree Celsius (centigrade)
cal - calorie
CdS - cadmium sulfide
cfm - cubic feet per minute
CO - carbon monoxide
CO_2 - carbon dioxide
dscm - dry cubic meter(s) at standard conditions
dscf - dry cubic feet at standard conditions
eq - equivalents
°F - degree Fahrenheit
g - gram(s)
gal - gallon(s)
g eq - gram equivalents
gr - grain(s)
hr - hour(s)
HCl - hydrochloric acid

Hg - mercury
H_2O - water
H_2S - hydrogen sulfide
H_2SO_4 - sulfuric acid
in - inches
°K - degree Kelvin
k - 1,000
kg - kilogram(s)
l - liter(s)
lpm - liter(s) per minute
lb - pound(s)
m - meter(s)
meq - milliequivalent(s)
min - minute(s)
mg - milligram(s)
ml - milliliter(s)
mm - millimeter(s)
mol. wt. - molecular weight
mV - millivolt
N_2 - nitrogen
nm - nanometer(s) - 10^{-9} meter
NO - nitric oxide
NO_2 - nitrogen dioxide
NO_x - nitrogen oxides
O_2 - oxygen
ppb - parts per billion
ppm - parts per million
psia - pounds per square inch absolute
°R - degree Rankine
s - at standard conditions
sec - second
SO_2 - sulfur dioxide
SO_3 - sulfur trioxide
$\mu g/m^3$ - microgram(s) - 10^{-6} gram
P_2O_5 - phosphorus pentoxide
Kg-cal - kilogram-calorie
CFR - Code of Federal Regulations

ARTICLE 2: GENERAL PROVISIONS

2.1 Severability:

2.1.1 These regulations and their various portions are severable. Should any portion thereof be declared invalid or unconstitutional it shall not affect any other portion.

2.2 Circumvention:

2.2.1 Except for the sole purpose of reducing the odor of an emission no person shall install, construct, or use any device which conceals any emission without resulting in a reduction in the total release of air contaminants to the atmosphere.

2.3 Written Notice:

2.3.1 Written notice shall be deemed to have been served, if delivered to the person to whom addressed or if sent by registered or certified mail to the last known address of the person.

2.4 Emergency Procedure:

2.4.1 Without limiting the authority of any State officer to declare or to act on an emergency, the Director or local air pollution control agency upon determining that a generalized condition of air pollution exists or that the emission from one or more single sources of air contaminants is causing a danger to human health or safety may order persons causing or contributing to the air pollution to immediately reduce or discontinue all emission of contaminants.

2.4.2 Any person who is able to cause, suffer, allow, or permit the emission of 90.7 metric tons (100 tons) or more per year of an air contaminant from a stationary source shall prepare and submit to the Director a plan for reducing or eliminating such emission in accordance with the episode stages of Alert, Warning and Emergency as defined in the Air Quality Implementation Plan for the State of Nevada.

2.4.3 Any person required to have an operating permit who is able to cause, suffer, allow, or permit the emission of less than 90.7 metric tons (100 tons) per year of an air contaminant shall upon written notice from the Director prepare and submit to the Director a plan for reducing or eliminating such emission in accordance with the episode stages of Alert, Warning and Emergency as defined in the Air Quality Implementation Plan for the State of Nevada.

2.4.4 The written notice required under Article 2.4.3 shall be transmitted in accordance with Article 2.3.1 to all persons who are within the same classification of sources as defined in the Standard Industrial Classification Manual, 1972, and who are able to cause, suffer, allow, or permit the emission of less than 90.7 metric tons (100 tons) per year of an air contaminant.

2.5 Scheduled Maintenance, Testing, and Breakdown or Upset:

2.5.1 Scheduled maintenance, testing approved by the Director, or repairs which may result in emissions of air contaminants prohibited by these regulations shall be performed during a time designated by the Director as being favorable for atmospheric ventilation.

2.5.2 The Director shall be notified in writing on the time and expected duration at least 24 hours in advance of any scheduled maintenance which may result in emission of air contaminants prohibited by these regulations.

2.5.3 The Director shall be notified within 24 hours after any breakdown or upset. Phone (702) 885-4670.

2.5.4 Breakdown or upset, determined by the Director to be unavoidable and not the result of careless or marginal operations, shall not be considered a violation of these regulations.

2.6 Testing and Sampling:

2.6.1 To determine compliance with these regulations prior to approval of or prior to the continuance of an operating permit or similar class of permits, the Director may either conduct or order the owner of any source to conduct or have conducted such testing and sampling as the Director determines necessary.

2.6.2 Within 60 days after achieving the maximum production rate at which the affected facility will be operated, but not later than 180 days after initial startup of such facility and at such other times as may be required by the Director.

2.6.3 Performance tests shall be conducted and data reduced in accordance with the test methods and procedures contained in each applicable subpart unless the Director (1) specifies or approves, in specific case the use of a reference method with minor changes in methodology, (2) approves the use of an equivalent method, (3) approves the use of an alternative method the results of which he has determined to be adequate for indicating whether a specific source is in compliance, or (4) waives the requirement for performance tests because the owner or operator of a source has demonstrated by other means to the Director's satisfaction that the affected facility is in compliance with the standard.

2.6.4 Performance tests shall be conducted under such conditions as the Director shall specify to the plant operator based on representative performance of the affected facility. The owner or operator shall make available to the Director such records as may be necessary to determine the conditions of the performance tests. Operations during periods of startup, shutdown, and malfunction shall not constitute representative conditions of performance tests unless otherwise specified in the applicable standard.

2.6.5 The owner or operator of an affected facility shall provide the Director 30 days prior notice of the performance test to afford the Director the opportunity to have an observer present.

2.6.6 Each performance test shall consist of at least two separate runs using the applicable test method. Each run shall be conducted for the time and under the conditions specified in the applicable standard. For the purpose of determining compliance with an applicable standard, the arithmetic means of results of the runs shall apply. In the event of forced shutdown, failure of an irreplaceable portion of the sampling train, extreme meteorological conditions, or other circumstances with less than two valid samples being obtained, an additional performance test(s) must be conducted.

2.6.7 All testing and sampling will be performed in accordance with recognized methods and as specified by the Director.

2.6.8 The cost of all testing and sampling and the cost of all sampling holes, scaffolding, electric power, and other pertinent allied facilities as may be required and specified in writing by the Director shall be provided and paid for by the owner of the source.

2.6.9 All information and analytical results of testing and sampling shall be certified as to their truth and accuracy and as to their compliance with all provisions of these regulations and copies of these results shall be provided to both the owner and the Director.

2.7 Condifential Information:

2.7.1 The emission of an air contaminant which has an ambient air quality standard or emission standard or has been designated as a hazardous air pollutant by the United States Environmental Protection Agency cannot be certified as being confidential.

2.7.2 Any information, other than emission data, received by the Commission, the Director, or local air pollution control agency which is certified to be confidential by the owner or operator disclosing it, shall, unless the owner expressly agrees to its publication or availability to the public, be used only:

a. In the administration or formulation of air pollution controls; or

b. In compiling or publishing analyses or summaries relating to the condition of the atmosphere which do not identify any owner or operator or reveal any confidential information; or

c. In complying with federal statutes, rules, and regulations.

2.7.3 Confidential information can be used in the prosecution of a violation of any air pollution control statute, ordinance, or regulation.

2.7.4 Any person who discloses or knowingly uses confidential information in violation of these regulations is guilty of a misdemeanor and shall be liable in tort for any damages which may result from such disclosure or use. ← sub tort

2.8 Administrative Fines:

2.8.1 Any violation of a provision of these regulations except Article 2.7.3, Article 4, and Article 11 as they pertain to the internal combustion engine is subject to an administrative fine levied by the Commission or an approved local control agency of not more than $5,000 per violation.

2.8.2 Unless otherwise provided herein all violations shall be classified as a major violation and a fine up to $5,000 per occurrence may be levied.

2.8.3 Violations of Articles 5, 6, 7.3, 9.1, or 10 shall be classified as a minor or lesser violation, unless there are four or more violations of any one of these articles by a person occurring in twelve consecutive months.

2.8.4 Minor violation fine schedule:

	First Offense	Second Offense	Third Offense
Article 5, Open Burning	$25	$ 50	$100
Article 6, Incinerator Burning			
Equal to or less than 11 kg (25 pounds) per hour.	$25	$ 50	$100
Greater than 11 kg (25 pounds) per hour.	$50	$100	$200
Article 7.3, Fugitive Dust.	$50	$100	$200
Article 9, Organic Solvents and Other Volatile Compounds.	$50	$100	$200
Article 10, Odor.	$50	$100	$200

All minor violations shall become major violations upon the occurrence of the fourth violation in any twelve consecutive months.

2.8.5 Procedure for paying minor violations in lieu of appearing before the hearing board:

2.8.5.1 The amount of the specified fine, in accordance with the minor fine schedule, shall be submitted within ten days after issuance of the notice.

2.8.5.2 Cashiers checks, certified checks, money orders, or personal checks shall be made payable to the State of Nevada and shall be sent to the Environmental Commission, 201 S. Fall Street, Capitol Complex, Carson City, Nevada, 89710, who shall forward for deposit into the appropriate county school fund.

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2.8.6 Each day that a violation continues shall constitute a separate violation.

2.8.7 All administrative fines collected by the Commission pursuant to these regulations shall inure to and be deposited in the general fund of the county in which the violation occurred.

2.9 Time for Compliance:

2.9.1 All new and existing sources shall comply with these regulations. Existing sources are in compliance with these regulations and may continue to operate under the provisions of their approved compliance schedules, which may be amended from time to time.

2.9.2 Compliance schedules shall contain specific progress steps that will be taken toward achieving compliance.

2.9.3 The Commission may require periodic reports on each phase of progress under approved compliance schedules. Failure at any phase to make diligent and reasonable progress toward compliance with the approved compliance schedule shall be deemed an unreasonable delay and shall subject the operator of the source to administrative fines as provided in Article 2.8.2 of these regulations.

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2.9.4 In approving compliance schedules, the Commission shall take into consideration the social and economic impact of the schedule, including, but not limited to, impact on availability of fuels, energy, transportation and employment.

2.9.5 When in the opinion of the Director there is a violation of any provision of these regulations or approved compliance schedule, he shall cause a written notice to be served upon the person responsible for the alleged violation.

2.9.6 The written notice shall specify the provision of these regulations or the approved compliance schedule that is being violated and the facts constituting the alleged violation. It may include an order to take corrective action or require submission of a schedule for compliance within a specified reasonable time. Such order shall become final unless within 10 calendar days after service of the written notice, the person named in the order requests a hearing before the Commission.

2.9.7 With or without the issuance of an order to take corrective action or require submission of a schedule for compliance within a specified reasonable time, the Director may require the person to appear before the Commission at a specified time or place or the Commission may initiate action to levy the appropriate fine.

2.10 Appeals of the Control Officer's Action:

2.10.1 Any person aggrieved by:

2.10.1.1 The issuance, denial, renewal, suspension or revocation of an operating permit; or

2.10.1.2 The issuance, modification, or rescission of any other order, by the Director, may appeal to the Commission.

2.10.2 The Commission shall decide the appeal.

2.10.3 The Commission shall provide, by rule, for the time and manner in which appeals are to be taken to the Commission.

2.10.4 Application forms for appeal shall be obtained from the Director.

2.11 Variances:

2.11.1 The owner or operator of a source of air contaminant or a person who desires to establish such a source may apply to the Commission for a variance from its applicable regulations. The Commission may grant a variance only if, after public hearings on due notice, it finds from a preponderance of the evidence that:

2.11.1.1 The emissions occurring or proposed do not endanger or tend to endanger human health or safety; and

2.11.1.2 Compliance with the regulations would produce serious hardship without equal or greater benefits to the public.

2.11.2 A variance shall not be granted unless the Commission has considered the relative interest of first, the public; second, other owners of property likely to be affected by the emission; and last, the applicant.

2.11.3 The Commission may in granting a variance impose appropriate conditions upon an applicant, and may revoke the variance for failure to comply.

2.11.4 A variance may be renewed only under circumstances and upon conditions which would justify its original granting.

2.11.4.1 Application for any renewal must be made at least 60 days prior to expiration of the variance to be renewed, and the Commission shall give public notice of the application.

2.11.4.2 If a protest is filed with the Commission against the renewal, the Commission shall hold a public hearing and shall not renew the variance unless it makes specific written findings of fact which justify the renewal.

2.11.5.1 The following limitations of duration apply to all variances.

2.11.5.1.1 If the variance is granted because no practical means is known or available for prevention, abatement or control of the air pollution involved, the variance shall continue only until such means become known and available.

2.11.5.1.2 If the variance is granted because compliance with applicable regulations will require measures which, because of extent or cost, must be spread over a period of time, the variance shall be granted only for the requisite period as determined by the Commission and shall specify the time when the successive steps are to be taken.

2.11.5.1.3 If the variance is granted for any other reason, it shall be granted for one year or less.

2.11.5.2 A variance whose duration is limited by paragraph 2.11.5.1.1 or 2.11.5.1.2 shall be reviewed at least once each year to determine whether practical measures have become available or required steps have been taken.

2.11.6.1 No applicant is entitled to the granting or renewal of a variance as of right.

2.11.6.2 Judicial review may be had of the granting or denial of a variance as provided in Chapter 445 of Nevada Revised Statutes.

2.11.7 Judicial review of all decisions of the Commission shall involve a trial de novo.

2.16 Notification and Recordkeeping:

2.16.1 Any owner or operator subject to the provisions of this part shall furnish the Director written notification as follows:

2.16.1.1 A notification of the date construction (or reconstruction as defined under 2.15) of an affected facility is commenced postmarked no later than 30 days after such date. This requirement shall not apply in the case of mass-produced facilities which are purchased in completed form.

2.16.1.2 A notification of the anticipated date of initial startup of an affected facility postmarked not more than 60 days nor less than 30 days prior to such date.

2.16.1.3 A notification of the actual date of initial startup of an affected facility postmarked within 15 days after such date.

2.16.1.4 A notification of any physical or operational change to an existing facility which may increase the emission rate of any air pollutant to which a standard applies, unless that change is specifically exempted under an applicable subpart or in 2.14 and the exemption is not denied under 2.14. Sub 6 This notice shall be postmarked 60 days or as soon as practicable before the change is commenced and shall include information describing the precise nature of the change, present and proposed emission control systems, productive capacity of the facility before and after the change, and the expected completion date of the change. The Director may request additional relevant information subsequent to this notice.

2.16.1.5 A notification of the date upon which demonstration of the continuous monitoring system performance commences in accordance with 2.17. Notification shall be postmarked not less than 30 days prior to such date.

2.16.2 Any owner or operator subject to the provisions of this part shall maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility; any malfunction of the air pollution control equipment; or any periods during which a continuous monitoring system or monitoring device is inoperative.

2.16.3 Each owner or operator required to install a continuous monitoring system shall submit a written report of excess emissions (as defined in applicable subparts) to the Director for every calendar quarter. All quarterly reports shall be postmarked by the 30th day following the end of each calendar quarter and shall include the following information:

2.16.3.1 The magnitude of excess emissions computed in accordance with 2.17, any conversion factor(s) used, and the date and time of commencement and completion of each time period of excess emissions.

2.16.3.2 Specific identification of each period of excess emissions that occurs during startups, shutdowns, and malfunctions of the affected facility. The nature and cause of any malfunction (if known), the corrective action taken or preventative measures adopted.

2.16.4 Any owner or operator subject to the provisions of this part shall maintain a file of all measurements, including continuous monitoring system, monitoring device, and performance testing measurements; all continuous monitoring system performance evaluations; all continuous monitoring system or monitoring device calibration checks; adjustments and maintenance performed on these systems or devices; and all other information required by this part recorded in a permanent form suitable for inspection. The file shall be retained for at least two years following the date of such measurements, maintenance, reports, and records.

2.17 Monitoring Requirements:

2.17.1 Unless otherwise approved by the Director or specified in applicable subparts, the requirements of this section shall apply to all continuous monitoring systems required under applicable subparts.

2.17.2 All continuous monitoring systems and monitoring devices shall be installed and operational prior to conducting performance tests under 2.6. Verification of operational status shall, as a minimum, consist of the following:

2.17.2.1 For continuous monitoring systems referenced in 2.17.3.1, completion of the conditioning period specified by applicable requirements in Appendix B of 40 CFR 60.

2.17.2.2 For continuous monitoring systems referenced in 2.17.3.2, completion of seven days of operation.

2.17.2.3 For monitoring devices referenced in applicable subparts, completion of the manufacturer's written requirements or recommendations for checking the operation or calibration of the device.

2.17.3 During any performance tests required under 2.6 or within 30 days thereafter and at such other times as may be required by the Director under section 114 of the Act, the owner or operator of any affected facility shall conduct continuous monitoring system performance evaluations and furnish the Director within 60 days thereof two or, upon request, more copies of a written report of the results of such tests. These continuous monitoring system performance evaluations shall be conducted in accordance with the following specifications and procedures:

2.17.3.1 Continuous monitoring systems listed within this paragraph except as provided in 2.17.3.2 shall be evaluated in accordance with the requirements and procedures contained in the applicable performance specification of Appendix B of 40 CFR 60 as follows:

a. Continuous monitoring systems for measuring opacity of emissions shall comply with Performance Specification 1.

b. Continuous monitoring systems for measuring nitrogen oxides emissions shall comply with Performance Specification 2.

c. Continuous monitoring systems for measuring sulfur dioxide emissions shall comply with Performance Specification 2.

d. Continuous monitoring systems for measuring the oxygen content or carbon dioxide content of effluent gases shall comply with Performance Specification 3.

2.17.3.2 An owner or operator who, prior to September 11, 1974, entered into a binding contractual obligation to purchase specific continuous monitoring system components except as referenced by 2.17.3.2c, shall comply with the following requirements:

a. Continuous monitoring systems for measuring opacity of emissions shall be capable of measuring emission levels within ±20 percent with a confidence level of 95 percent. The Calibration Error Test and associated calculation procedures set forth in Performance Specification 1 of Appendix B shall be used for demonstrating compliance with this specification.

b. Continuous monitoring systems for measurement of nitrogen oxides or sulfur dioxide shall be capable of measuring emission levels within ±20 percent with a confidence level of 95 percent. The Calibration Error Test, the Field Test for Accuracy (Relative), and associated operating and calculation procedures set forth in Performance Specification 2 of Appendix B shall be used for demonstrating compliance with this specification.

c. Owners or operators of all continuous monitoring systems installed on an affected facility prior to October 6, 1975, are not required to conduct tests under 2.17.3.2a and/or 2b of this section unless requested by the Director.

2.17.3.3 All continuous monitoring systems referenced by 2.17.3.2 shall be upgraded or replaced (if necessary) with new continuous monitoring systems, and such improved systems shall be demonstrated to comply with applicable performance specifications under 2.17.3.1 by September 11, 1979.

2.17.4 Owners or operators of all continuous monitoring systems installed in accordance with the provisions of this part shall check the zero and span drift at least once daily in accordance with the method prescribed by the manufacturer of such systems unless the manufacturer recommends adjustments at shorter intervals, in which case such recommendations shall be followed. The zero and span shall, as a minimum, be adjusted whenever the 24-hour zero drift or 24-hour calibration drift limits of the applicable performance specifications in Appendix B are exceeded.

For continuous monitoring systems measuring opacity of emissions, the optical surfaces exposed to the effluent gases shall be cleaned prior to performing the zero or span drift adjustments except that for systems using automatic zero adjustments, the optical surfaces shall be cleaned when the cumulative automatic zero compensation exceeds four percent opacity. Unless otherwise approved by the Director, the following procedures, as applicable, shall be followed:

2.17.4.1 For extractive continuous monitoring systems measuring gases, minimum procedures shall include introducing applicable zero and span gas mixtures into the measurement system as near the probe as is practical. Span and zero gases certified by their manufacturer to be traceable to National Bureau of Standards reference gases shall be used whenever these reference gases are available. The span and zero gas mixtures shall be the same composition as specified in Appendix B of this part. Every six months from date of manufacture, span and zero gases shall be reanalyzed by conducting triplicate analyses with Reference Methods 6 for SO_2, 7 for NO_x, and 3 for O_2 and CO_2, respectively. The gases may be analyzed at less frequent intervals if longer shelf lives are guaranteed by the manufacturer.

2.17.4.2 For non-extractive continuous monitoring systems measuring gases, minimum procedures shall include up-scale check(s) using a certified calibration gas cell or test cell which is functionally equivalent to a known gas concentration. The zero check may be performed by computing the zero value from upscale measurements or by mechanically producing a zero condition.

2.17.4.3 For continuous monitoring systems measuring opacity of emissions, minimum procedures shall include a method for producing a simulated zero opacity condition and an upscale (span) opacity condition using a certified neutral density filter or other related technique to produce a known obscuration of the light beam. Such procedures shall provide a system check of the analyzer internal optical surfaces and all electronic circuitry including the lamp and photodetector assembly.

2.17.5 Except for system breakdowns, repairs, calibration checks, and zero and span adjustments required under 2.17.4, all continuous monitoring systems shall be in continuous operation and shall meet minimum frequency of operation requirements as follows:

2.17.5.1 All continuous monitoring systems referenced by 2.17.3.1 and 2.17.3.2 for measuring opacity of emissions shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 10-second period.

2.17.5.2 All continuous monitoring systems referenced by 2.17.3.1 for measuring oxides of nitrogen, sulfur dioxide, carbon dioxide, or oxygen shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive 15-minute period.

2.17.5.3 All continuous monitoring systems referenced by 2.17.3.2, except opacity, shall complete a minimum of one cycle of operation (sampling, analyzing, and data recording) for each successive one-hour period.

2.17.6 All continuous monitoring systems or monitoring devices shall be installed such that representative measurements of emissions or process parameters from the affected facility are obtained. Additional procedures for location of continuous monitoring systems contained in the applicable Performance Specifications of Appendix B of this part shall be used.

2.17.7 When the effluents from a single affected facility or two or more affected facilities subject to the same emission standards are combined before being released to the atmosphere, the owner or operator may install applicable continuous monitoring systems on each effluent or on the combined effluent. When the affected facilities are not subject to the same emission standards, separate continuous monitoring systems shall be installed on each effluent. When the effluent from one affected facility is released to the atmosphere through more than one point, the owner or operator shall install applicable continuous monitoring systems on each separate effluent unless the installation of fewer systems is approved by the Director.

2.17.8 Owners or operators of all continuous monitoring systems for measurement of opacity shall reduce all data to six-minute averages and for systems other than opacity to one-hour averages. Six-minute opacity averages shall be calculated from 24 or more data points equally spaced over each six-minute period. For systems other than opacity, one-hour averages shall be computed from four or more data points equally spaced over each one-hour period. Data recorded during periods of system breakdowns, repairs, calibration checks, and zero and span adjustments shall not be included in the data averages computed under this paragraph. An arithmetic or integrated average of all data may be used. The data output of all continuous monitoring systems may be recorded in reduced or nonreduced form (e.g., ppm pollutant and percent O_2 or lb/million Btu of pollutant). All excess emissions shall be converted into units of the standard using the applicable conversion procedures specified in subparts. After conversion into units of the standard, the data may be rounded to the same number of significant digits used in subparts to specify the applicable standard (e.g., rounded to the nearest one percent opacity).

2.17.9 Upon written application by an owner or operator, the Director may approve alternatives to any monitoring procedures or requirements of this part including, but not limited to the following:

2.17.9.1 Alternative monitoring requirements when installation of a continuous monitoring system or monitoring device specified by this part would not provide accurate measurements due to liquid water or other interferences caused by substances with the effluent gases.

2.17.9.2 Alternative monitoring requirements when the affected facility is infrequently operated.

2.17.9.3 Alternative monitoring requirements to accommodate continuous monitoring systems that require additional measurements to correct for stack moisture conditions.

2.17.9.4 Alternative locations for installing continuous monitoring systems or monitoring devices when the owner or operator can demonstrate that installation at alternate locations will enable accurate and representative measurements.

2.17.9.5 Alternative methods of converting pollutant concentration measurements to units of the standards.

2.17.9.6 Alternative procedures for performing daily checks of zero and span drift that do not involve use of span gases or test cells.

2.17.9.7 Alternatives to the A.S.T.M. test methods or sampling procedures specified by any subpart.

2.17.9.8 Alternative continuous monitoring systems that do not meet the design or performance requirements in Performance Specification 1, Appendix B, but adequately demonstrate a definite and consistent relationship between its measurements and the measurements of opacity by a system complying with the requirements in Performance Specification 1. The Director may require that such demonstration be performed for each affected facility.

a. Alternative monitoring requirements when the effluent from a single affected facility or the combined effluent from two or more affected facilities are released to the atmosphere through more than one point.

ARTICLE 3: REGISTRATION CERTIFICATES AND OPERATING PERMITS

3.1 General:

3.1.1 A registration certificate and an operating permit are required for all new single sources except as exempted.

3.1.2 An existing single source requires only an operating permit except as exempted.

3.1.3 Registration certificates and operating permits are nontransferable. A replacement registration certificate or operating permit may be issued with the identical conditions upon change of ownership and/or name of source for the effective time remaining on the original certificate or permit by filing a request for replacement to the Director on the application form provided by him accompanied by the appropriate fee.

3.1.4 U.S. Registered or Certified Postmark date shall establish the official date of all applications for registration certificates and operating permits.

3.1.5 Applications for either a registration certificate or an operating permit shall be made in writing to the Director on the exact form provided by him.

3.1.6 Application forms for requesting the issuance of either a registration certificate or an operating permit can be obtained from the Director.

3.1.7 All fees shall be paid to the State of Nevada or local agency which certified issuance of the certificate or permit, and are not refundable.

3.1.8 The following existing and new single sources do not require either registration certificates or operating permits:

a. Airconditioning equipment or fuel burning equipment having a rating of less than 1,000,000 kg-cal (4,000,000 BTU) per hour.

b. Motor vehicles, special mobile equipment, and internal combustion engines.

c. Residential and commercial housekeeping vacuum systems.

d. Incinerators with less than 11 kg (25 pounds) per hour rated burning capacity.

e. Agricultural land use.

f. Gasoline, petroleum distillate, or other volatile organic compound storage containers having a capacity of less than 150 kiloliters (40,000 gallons).

g. Equipment or contrivances used exclusively for the processing of food for human consumption.

h. Disturbing topsoil of less than 8 hectares (20 acres).

i. Process weight rates of less than 23 kg (50 pounds) per hour.

3.1.9 Registration certificates for single and complex sources and operating permits for single sources may be issued through an approved local air pollution control program.

3.1.9.1 Emission discharge information, as correlated to mass emission rates or ambient air quality regulations related to all registration certificates and operating permits, will be maintained by the Director as public information, at 201 South Fall Street, Capitol Complex, Carson City, Nevada, 89710.

3.2 Registration Certificates:

3.2.1 A separate registration certificate is required for each new or modified single or complex source.

3.2.2 The obtaining of a valid registration certificate is a prerequisite to the construction or alteration of any single source or complex source of air contaminant.

3.2.3 Requests for the issuance of a registration certificate or the replacement of a lost or damaged registration certificate with the appropriate fee shall be submitted to the Director on the application form provided by him.

3.2.4 Within 5 working days after receiving an application for registration, the Director shall determine what, if any, additional information is needed. Within 15 days after receiving adequate information the Director shall make a preliminary determination to issue or deny issuance of a registration certificate. Within 75 days after receiving adequate information, pursuant to Article 13, the Director shall issue or deny issuance of a registration certificate.

3.2.5 A registration certificate shall only expire if construction of a new or modified source, including a complex source, is not commenced within one year from the date of issuance thereof or construction of the facility is delayed for one year after initiated.

3.2.6 The fee for each initial registration certificate, its replacement, or renewal is $10.00 and shall be made payable to the State of Nevada.

3.3 Stop Order:

3.3.1 A stop order will be issued if:

3.3.1.1 The proposed construction, installation, alterations, or establishment will not be in accordance with the provisions of the plans, specifications and other design material required to be submitted for registration; or

3.3.1.2 The design material or the construction itself is of such a nature that it patently cannot bring such source into compliance with these regulations.

3.3.2 A stop order can be issued at any time before the operating permit is granted, except that a stop order for a source shall not be issued after construction or modification has commenced if the construction is in accordance with the provisions of the registration certificate as submitted and approved by the Director under Article 13 hereof.

3.3.3 A person served with a stop order shall forthwith stop all activities specified in the stop order.

3.3.4 A stop order shall be a written statement stating the reason for its issuance.

3.3.5 A person served with a stop order may apply for its revocation at any time, setting forth the facts upon which he believes that the reasons for the issuance of the stop order no longer exist. If the Director finds that the reasons for the issuance of the stop order no longer exist, he shall withdraw the order promptly. If the Director finds that the reasons for the issuance of the stop order still exist, or that other reasons exist for continuing a stop order in effect, he shall, within 24 hours, serve a written statement of his reasons for so finding.

3.4 Operating Permits:

3.4.1 The fee for each initial and renewed operating permit is $50.00 and shall be made payable to the State of Nevada.

3.4.2 A separate operating permit is required for each new or existing single source.

3.4.3 Operating permits shall be posted conspicuously on or near the single source.

3.4.4 Operating permits shall expire and shall be subject to renewal five (5) years after the date of issuance.

3.4.5 Possession of a valid registration certificate shall be a prerequisite to obtain the initial operating permit for a new source.

3.4.6 Application for the issuance of an initial operating permit shall be submitted in writing to the Director on the exact form provided by him and with the appropriate fee prior to the date of the proposed initial operation of the source.

3.4.7 An operating permit shall be granted if the Director finds, from a stack emission test or other appropriate test and other relevant information that use of the source will not result in any violation of the Air Quality Regulations, or if the Commission has approved a compliance schedule. A denial of an application for an operating permit shall be accompanied by a statement of the reasons therefor, and if the Director has relied in his decision upon information not contained in the application, the statement of reasons shall identify and state the substance of such information.

3.4.8 Requests for the renewal of an operating permit shall be submitted, in writing, to the Director with the appropriate fee at least thirty (30) calendar days prior to the expiration date of the current permit.

3.4.9 Requests for the replacement of a lost or damaged operating permit shall be made, in writing, to the Director with the appropriate fee within thirty (30) calendar days after the date of its loss or destruction.

3.4.10 An operating permit can be revoked by the Director upon determining that there has been a violation of these regulations. The revocation shall be effective ten (10) days after the service of a written notice and the revoked operating permit shall be surrendered immediately unless a hearing is requested.

3.4.11 The fee for each initial and renewed operating permit is $50.00.

3.4.12 The fee for the replacement of a lost or damaged operating permit is $10.00 and shall be made payable to the State of Nevada.

3.4.13 The fee for reissuing an operating permit for one that has been revoked or allowed to expire is $100.00 and shall be made payable to the State of Nevada.

3.4.14 An operating permit may be revoked if the control equipment is not operating.

ARTICLE 4: VISIBLE EMISSIONS FROM STATIONARY SOURCES

4.1 Unless otherwise provided herein, no person shall cause, suffer, allow, or permit the discharge into the atmosphere, from any stationary source, any air contaminant for a period or periods aggregating more than three minutes in any one hour which is of an opacity equal to or greater than 20 percent.

4.2 These regulations shall not apply if the presence of uncombined water is the only reason for the failure of an emission to comply with these regulations. The burden of proof to establish the application of this exemption shall be upon the person seeking to come within this exemption.

4.3 Exceptions to this Article:

4.3.1 Smoke from the open burning set forth in Article 5.2.

4.3.2 Smoke discharged in the course of training air pollution control inspectors to observe visible emissions, if such facility has written approval of the Commission.

4.3.3 Emissions from an incinerator set forth in Article 6.

4.3.4 Emissions from any mobile equipment set forth in Article 11.

4.3.5 Emissions of stationary diesel-powered engines for not longer than 15 minutes for warm-up of cold engines to achieve operating temperatures.

4.4 Application of this Article to Existing Copper Smelters:

4.4.1 An existing copper smelter shall submit to the Director for his review and approval information and data on an appropriate in-stack electronic detector.

4.4.2 Visible emissions shall be determined by the use of an approved instack mounted electronic detector, with sensitivity restricted to the visual range of the light spectrum. Approved electronic detectors shall be calibrated monthly and a summary report shall be maintained by the source and provided to the Director.

51.13 ARTICLE 5: OPEN BURNING

5.1 The open burning of any combustible refuse, waste, garbage, oil fires, or for any salvage operations, except as specifically exempted, is prohibited.

5.2 Open burning exempted from these regulations shall consist of:

5.2.1 Open burning approved in advance by the control officer.

5.2.2 Open burning, concurred in by the control officer and authorized by an officer of the State or its political subdivisions, for the purpose of weed abatement, conservation, disease control, game or forest management, personnel training, or elimination of hazards.

5.2.3 Open burning for agricultural purposes and management except where prohibited by local ordinances or regulations.

5.2.4 Open burning at single family residences, unless prohibited by local ordinances or regulations, in all areas of the State except: in and within one mile of the boundaries of the following cities and towns: Babbitt, Battle Mountain, Caliente, Carlin, East Ely, Ely, Fallon, Fernley, Gabbs, Gardnerville, Hawthorne, Lovelock, McGill, Minden, Tonopah, Virginia City, Weed Heights, Wells, Winnemucca, and Yerington; and on the Nevada side of the Tahoe Basin, in Carson City and in those portions of Douglas and Lyon Counties that are within one mile of the Carson City line.

5.2.5 Open burning of small wood fires for recreational, educational, ceremonial, heating or cooking purposes.

5.3 All open burning must be attended and controlled at all times to eliminate fire hazards.

ARTICLE 6: INCINERATOR BURNING

6.1 Burning in any incinerator other than the multiple chamber type or as approved by the control officer is prohibited.

6.2 Incinerator burning which produces for periods totaling one minute in any one hour a visible emission which is of an opacity equal to or greater than 20 percent is prohibited.

6.3 Single chamber incinerators at single family residences, in all areas of the State, except: in and within one mile of the boundaries of the following cities and towns: Babbitt, Battle Mountain, Caliente, Carlin, East Ely, Elko, Ely, Fallon, Fernley, Gabbs, Gardnerville, Hawthorne, Lovelock, McGill, Minden, Tonopah, Virginia City, Weed Heights, Wells, Winnemucca, and Yerington; and on the Nevada side of the Tahoe Basin, in Carson City and in those portions of Douglas and Lyon Counties that are within one mile of the Carson City line, unless otherwise prohibited by local ordinances or regulations, are exempt from the provisions of Article 6.

6.4 Incinerators used for the burning of pathological wastes, wet garbage, or high moisture content material shall be high temperature types with either grate or solid hearth construction, drying shelves for wet wastes, and an auxiliary heating unit to insure temperatures of 760° C (1400° F) for not less than 0.3 of a second. The heat shall be frequently cleaned at regular intervals to prevent buildup of residues and deposits.

6.5 The rated burning capacity, operating and maintenance procedures approved by the Director shall be posted conspicuously at or near the incinerator.

6.6 Allowable Emissions:

6.6.1 Allowable particulate emissions from incinerators of less than 900 kg (2000 pounds) per hour rated burning capacity may not exceed 1.5 g/kg (3 pounds/ton) of dry refuse charged.

6.6.2 Allowable particulate emissions from incinerators rated at greater than 900 kg (2000 pounds) per hour burning capacity shall be calculated using the following equation:

$$E = 40.7 \times 10^{-5} C$$

where E is the maximum allowable rate of emission of particulate matter in kilograms (pounds) per hour and C is the rate of charge of dry refuse in kilograms (pounds) per hour.

ARTICLE 7: PARTICULATE MATTER

7.1 Fuel Burning Equipment:

7.1.1 No person shall cause, suffer, allow or permit the emission of particulate matter resulting from the combustion of fuel in excess of the quantity set forth in the following table:

Heat input in millions of British thermal units per hour	Maximum allowable emission of particulate matter in pounds per hour per million British thermal units of heat input
Up to and including 10	0.600
100	0.352
1,000	0.207
10,000	0.0904
100,000	0.0243

7.1.1.1 For heat inputs greater than 10 but less than 4,000 million BTU's per hour the allowable emissions shall be calculated by using the following equation:

$$Y = 1.02\ X^{-0.231}$$

7.1.1.2 For heat inputs equal to or greater than 4,000 million BTU's per hour the emissions shall be calculated by the use of the equation:

$$Y = 17.0\ X^{-0.568}$$

X = maximum equipment capacity rate in million BTU's per hour

Y = allowable rate of emission in pounds per million BTU's

7.1.2 For purposes of these regulations the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or stacks or the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The total heat input of all fuel burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

7.1.3 Airconditioning equipment or fuel burning equipment having a rating of less than one million kilogram-calories (4 million BTU's) per hour shall be exempted from Article 7.1.

7.2 Industrial Sources:

7.2.1 Sources not otherwise included in these regulations shall not cause, suffer, allow, or permit particulate matter to be discharged from any single source into the atmosphere in excess of the allowable emission shown in Table 1. When the process weight falls between two values in the table, the maximum weight discharged per hour shall be determined by the use of the formulas contained in Articles 7.2.2 or 7.2.3.

TABLE 1

Process Weight Rate kg/hour	Rate of Emission kg/hour	Process Weight Rate kg/hour	Rate of Emission kg/hour
100	.42	20,000	14.69
1,000	1.97	40,000	19.64
2,000	3.14	60,000	21.37
3,000	4.12	80,000	22.64
4,000	5.00	100,000	23.65
6,000	6.56	200,000	26.96
8,000	7.95	1,000,000	35.70
10,000	9.23	6,000,000	47.44

7.2.2 When the process weight rate is less than 30,000 kilograms (60,000 pounds) per hour, the maximum allowable weight discharged per hour will be determined by using the following equation:

$$E = 0.0193P^{0.67} \ (4.10P^{0.67})$$

E = Maximum rate of emission in kilograms (pounds) per hour
P = Process weight rate in kilograms (tons) per hour

7.2.3 When the process weight rate equals or exceeds 30,000 kilograms (60,000 pounds) per hour the maximum allowable discharge per hour will be determined by using the following equation:

$$E = 11.78P^{0.11} - 18.14 \ (55P^{.11} - 40)$$

E = Maximum rate of emission in kilograms (pounds) per hour
P = Process weight rate in kilograms (tons) per hour

7.2.4 For purposes of these regulations, the process weight rate to be used to calculate allowable emission rates will be the single source weight rates.

7.3 Fugitive Dusts:

7.3.1 No person shall cause or permit the handling, transporting, or storing of any material in a manner which allows, or may allow, controllable particulate matter to become airborne.

7.3.2 In areas designated by the Director, no person shall cause or permit the construction, repair, or demolition work, or the use of unpaved or untreated areas without applying all such measures as may be required by the Director to prevent particulate matter from becoming airborne.

7.3.3 No person shall disturb or cover any topsoil prior to obtaining a registration certificate or operating permit for the purpose of clearing, excavating, or leveling land of 8 hectares (20 acres) or more for any building construction. An operating permit for the deposit of any foreign material covering land of 8 hectares (20 acres) or more is required except for agricultural land.

ARTICLE 8: SULFUR EMISSIONS

8.1 Primary Nonferrous Smelters:

8.1.1 No new industry shall cause, suffer, allow, or permit the emission of sulfur in excess of the allowable emission shown in Table 2.

TABLE 2

Total Feed Sulfur kg/hour	Allowable Sulfur Emission - kg-hour Cu.	Zn.	Pb.
500.	50	49	49
1,000.	100	89	84
5,000.	500	348	289
10,000.	1,000	628	493
20,000.	2,000	1,132	841
40,000.	4,000	2,040	1,433

8.1.2 The maximum allowable weight discharged per hour for new industry will be determined by use of the following equations:

Copper smelters. . . . . $Y = 0.1\ X$ $(Y = 0.1X)$
Zinc smelters. . . . . $Y = 0.25\ X^{0.85}$ $(Y = 0.282\ X^{0.85})$
Lead smelters. . . . . $Y = 0.41\ X^{0.77}$ $(Y = 0.49\ X^{0.77})$
X = Total feed sulfur, kg/hour (pounds/hour)
Y = Allowable sulfur emission, kg/hour (pounds/hour)

8.1.4 No person to the maximum extent practicable by the utilization of best available engineering techniques as approved by the Director shall cause, suffer, allow, or permit controllable fugitive sulfur oxide emissions to be discharged to the atmosphere other than through a stack or stack serving the smelter.

8.1.5 For the purposes of these regulations, total feed sulfur shall be calculated as the aggregate sulfur content of all fuels and other feed materials whose products of combustion and gaseous by-products are emitted to the atmosphere. When furnaces, sinter machines, sinter boxes, roasters, converters, or other similar devices are used for converting ores, concentrates, residues, or slag to the metal or the oxide of the metal either wholly or in part, the combined sulfur input of all units shall be used to determine the allowable emission to the atmosphere.

8.2 Fuel Burning Equipment:

8.2.1 No person shall cause, suffer, allow or permit the emission of sulfur compounds caused by the combustion of fuel in excess of the quantity set forth in the following table:

Heat input, millions of British thermal units per hour	Maximum sulfur emission, pounds per hour
10.	7.
100.	70.
1,000.	105.
10,000.	1050.
100,000.	10500.

8.2.2 Where a source located on contiguous property has a total heat input of less than 63 million kg-cal (250 million BTU's) per hour the allowable emission shall be calculated by the use of the following equation:

$Y = 1.26\,X \qquad (Y = .7\,X)$
X = Operating heat input in millions of kg-cal (BTU's) per hour
Y = Allowable rate of sulfur emission in kg (pounds) per hour

8.2.3 Where a source located on contiguous property has a total heat input equal to or greater than 63 million kg-cal (250 million BTU's) per hour, the allowable sulfur emission shall be calculated by the use of the following equations:

Liquid Fuel	Solid Fuel	Combination Fuel
$Y = 0.7\,X \quad (Y = 0.4\,X)$	$Y = 1.1\,X \; (Y = 0.6\,X)$	$Y = \frac{L(.7) + S(1.1)}{L + S}$

X = Operating input in millions of kg-cal (BTU's) per hour
Y = Allowable rate of sulfur emissions in kg (pounds) per hour
L = Percentage of total heat input derived from liquid fuel
S = Percentage of total heat input derived from solid fuel

8.2.4 For purposes of these regulations, "sulfur emission" means the sulfur portion of the sulfur compounds emitted.

8.3 Other Sulfur Emitting Processes:

8.3.1 No person shall cause, suffer, allow, or permit the emission of sulfur compounds where the sulfur originates in the material being processed (excluding sulfur from all solid, liquid, or gaseous fuel), in excess of the quantity determined by the following equation:

$$E = 0.271\,P^{0.904} \qquad (0.292\,P^{0.904})$$

when "E" is equal to or greater than 5 kilograms (10 pounds) per hour.

Where:

"E" is the allowable sulfur emission in kilograms (pounds) per hour.
"P" is the total feed sulfur in kilograms (pounds) per hour.

8.3.2 When "E" is less than 5 kilograms (10 pounds) per hour, the gas stream concentration shall not exceed 1,000 ppm by volume.

8.3.3 Incinerators used solely for the control of odor by the combustion of noxious sulfur containing compounds shall be exempt from Article 8, and shall be governed by Article 3 and Article 7.

8.4 When sulfur emissions are due to sulfur contributions from both the fuel and the material being processed, the allowable emissions shall be the sum of those allowed by Article 8.2 and Article 8.3.

Add ②

ARTICLE 9: ORGANIC SOLVENT, OTHER VOLATILE COMPOUNDS

9.1 Materials such as, but not limited to, solvents or other volatile compounds such as paints, acids, alkalies, pesticides, fertilizers, and manure shall be processed, stored, used and transported in such a manner and by such means as to minimize the tendency to evaporate, leak, escape, or be otherwise discharged into the ambient air causing or contributing to air pollution; and where control methods are available and feasible to reduce effectively the contribution to air pollution from evaporation, leakage, or discharge, as determined by the Director, the installation and use of such control methods, devices, or equipment shall be mandatory.

9.2 Storage Containers Equal to or Greater than 150 Kiloliters (40,000 Gallons):

9.2.1 No person shall place, store, or hold in any new reservoir, stationary tank, or other container any gasoline, petroleum distillate, or volatile organic compound having a vapor pressure of 1,055 kilograms per square meter (1.5 pounds per square inch absolute) or greater (under actual storage conditions) unless such tank, reservoir, or other container is a pressure tank maintaining working pressure sufficient at all times to prevent vapor or gas loss to the atmosphere or is equipped with one of the following vapor loss control devices (see 9.2.1.1, 9.2.1.2) properly installed, in good working order, and in operation.

9.2.1.1 A floating roof which consists of a pontoon type or double-deck roof which rests on the surface of the liquid contents and is equipped with a closure seal to close the space between the roof eave and tank wall; or a vapor balloon or a vapor dome, designed in accordance with accepted standards of the petroleum industry. This control equipment shall not be permitted if the gasoline or petroleum distillate has a vapor pressure of 7,734 kilograms per square meter (11 pounds per square inch absolute) or greater under actual conditions. All tank gauging and sampling devices shall be gas tight except when gauging or sampling is taking place.

9.2.1.2 Other equipment proven to be of equal efficiencey for preventing discharge of gases and vapors to the atmosphere.

9.2.2 Any other petroleum or volatile organic compound storage tank which is constructed or extensively remodeled, on or after the effective date of these regulations, shall be equipped with a submerged fill pipe or equivalent, as approved by the Director for the control of emissions.

9.2.3 All facilities for dock loading of petroleum or volatile organic compound products, having a vapor pressure of 1,055 kilograms per square meter (1.5 pounds per square inch absolute) or greater at loading pressure, shall provide for submerged filling by a submerged fill pipe or acceptable equivalent for the control of emissions.

ARTICLE 10: ODORS

10.1 Odors:

10.1.1 No person shall discharge, or cause to be discharged from any source any material or air contaminant which is, or tends to be, offensive to the senses, injurious or detrimental to health and safety, or which in any way interferes with or prevents the comfortable enjoyment of life or property.

10.1.2 The control officer shall investigate an odor when 30 percent or more of a sample of the people exposed to it believe it to be objectionable in usual places of occupancy, the sample size to be at least 20 people or 75 percent of those exposed, if fewer than 20 people are exposed.

10.1.3 The control officer shall deem the odor occurrence a violation, if he is able to make two odor measurements within a period of one hour. These measurements must be separated by at least 15 minutes. An odor measurement shall consist of a detectable odor after the odorous air has been diluted with eight or more volumes of odor-free air.

10.2 Reduction of Animal Matter:

10.2.1 The operation of any article, machine, equipment or other contrivance for the reduction of animal matter is prohibited unless all gases, vapors and gas-entrained effluents are:

1. Incinerated at temperatures of not less than 760 C (1400 F) for not less than 0.3 second; or
2. Processed in a manner determined by the Director to equally efficient.

ARTICLE 11: MOBILE EQUIPMENT

11.1* Definitions

11.1.1 Carbon monoxide (CO). A colorless, odorless, highly toxic gas that is a normal byproduct of incomplete fossil fuel combustion.

11.1.2 Department means the Department of Motor Vehicles.

11.1.3 Diagnostic equipment. Tools used to diagnose engine performance.

11.1.4 Evidence of compliance, as defined in subsection 3 of Chapter 445.610 of NRS, includes a certificate issued when a motor vehicle has been inspected and (a) has the required equipment; or (b) does not meet the emission control requirements after the repairs have been made and the motor vehicle is exempted by the provisions of Article 11.3.14.2 or Article 11.3.14.3.

11.1.5 Fleet station, as defined in subsection 4 of Chapter 445.610 of NRS, means a facility which is licensed by the Department to conduct inspections of the motor vehicles of qualified owners or lessees.

11.1.6 Heavy-duty motor vehicle. A gasoline fueled motor vehicle whose GVW is greater than 2,721 kilograms (6,000 pounds).

11.1.7 Hydrocarbons. A family of compounds containing carbon and hydrogen in various combinations, found especially in fossil fuels.

11.1.8 Inspection/Maintenance. A strategy to reduce emissions from in-use motor vehicles by identifying vehicles that need emissions-related maintenance and requiring that such maintenance be performed.

11.1.9 New motor vehicle. A motor vehicle that has never been registered with the Department, and has never been registered with the appropriate agency of authority of any other state, the District of Columbia, any territory or possession of the United States or foreign state, province, or country.

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* These definitions apply to the Mobile Equipment Regulations and shall serve as a supplement to those contained in Article 1 for the purpose of this article.

11.1.10 Tampering. Rendering inoperative, or intentional misadjustment of any motor vehicle device or element of design intended to control exhaust emissions.

11.1.11 Water. Visible mist or condensed water vapor.

11.1.12 Used motor vehicle. A motor vehicle that has been registered with the Department, or has been registered with the appropriate agency of authority of any other state, the District of Columbia, or any territory or possession of the United States or foreign state, province, or country.

11.1.13 Waiver. A document which would permit registration of a vehicle that does not meet the emission standard as set forth by the State Environmental Commission, and is issued only by the Department of Motor Vehicles, which shall expire one year from the date of issuance.

11.2 General Provisions

11.2.1 Severability

1. These regulations and their various portions are severable. Should any portion thereof be declared invalid or unconstitutional it shall not affect any other portion.

11.2.2 Circumvention

No person shall install, construct, or use any device which conceals any emission without resulting in a reduction in the total release of air contaminants to the atmosphere.

11.3 Environmental Commission Regulations for Mobile Equipment

11.3.1 No person shall operate or leave standing on any highway any motor vehicle which is required by State of federal law to be equipped with a motor vehicle pollution control device, unless such device is correctly installed and in operating condition. No person shall disconnect, alter, or modify any such required device. The provisions of this Article shall not apply to an alteration or modification found by the Commission not to reduce the effectiveness of any required motor vehicle emission control device. Neither shall the provisions of this Article apply to an alteration or modification of a motor vehicle to fuel use other than gasoline or diesel fuel where such alteration or modification is effected without violating existing federal and State standards for the control of exhaust emissions.

11.3.2 No gasoline-powered motor vehicle shall be operated which emits visible smoke while moving for a distance of more than 90 meters (100 yards) upon the streets, roads, or highways of the State.

11.3.3 Visible emissions of diesel-powered motor vehicles or special mobile equipment operated at or below 1,500 meters (5,000 feet) elevation and manufactured on or after January 1, 1970, shall not exceed an opacity of 20 percent for more than 15 consecutive seconds or for periods aggregating more than five (5) minutes in any one (1) hour. Visible emissions of diesel-powered motor vehicles or special mobile equipment operated at or below 1,500 meters (5,000 feet) elevation an manufactured before January 1, 1970, shall not exceed an opacity of 40 percent for more than 15 consecutive seconds or for periods aggregating more than five (5) minutes in any one (1) hour.

11.3.4 Visible emissions diesel-powered motor vehicles or special mobile equipment operating above 1,500 (5,000 feet) elevation shall not exceed an opacity of 40 percent for more than 15 consecutive seconds or for periods aggregating more than five (5) minutes in any one (1) hour.

11.3.5 Except as provided by federal regulation, no person shall operate a device manufactured on or after January 1, 1970, used exclusively upon stationary rails at or below 1,500 meters (5,000 feet) elevation where the period of continuous visible emission is of an opacity greater than 40 percent for more than 15 consecutive seconds. Visible emissions for devices used exclusively upon stationary rails operated above 1,500 meters (5,000 feet) elevation shall not exceed an opacity greater than 60 percent for more than 15 consecutive seconds.

11.3.6 Except as provided by federal regulation, visible emissions from devices manufactured prior to January 1, 1970, used exclusively upon stationary rails shall not exceed an opacity greater than 60 percent for more than 15 consecutive seconds.

11.3.7 Exceptions to This Article

1. Scheduled maintenance or repairs which result in emissions of air contaminants performed in an area determined by the Department as constituting a repair shop do not violate this Article.

2. Diesel-powered motor vehicles and special mobil equipment may exceed the visible emissions set forth in Article 11.3.3 and 11.3.4 for not longer than 15 minutes for stationary warm-up of cold engines to achieve operating temperatures.

3. Visible emissions in excess of those set forth in Articles 11.3.5 and 11.3.6 do not violate the requirements of this Article if the visible emissions occur:

    a. During maintenance or repairs.

b. For a period of 40 consecutive seconds or less during acceleration under load.

c. For a period of 4 consecutive minutes or less when loaded after a period of idle.

4. The provisions of Article 11.3.9 do not apply to any:

   a. Heavy-duty motor vehicle having a GVM of more than 2,721 kilograms (6,000 pounds);

   b. light-duty motor vehicle produced in a model year 15 or more years earlier than the current model year;

   c. light-duty motor vehicle having an engine displacement of less than 819 cubic centimeters (50 cubic inches);

   d. motorcycle;

   e. motor vehicle which is subject to prorated registration pursuant to Chapters 706.801 to 706.861 of NRS, inclusive, and which are not based in this State;

   f. new motor vehicle; or

   g. transfer of:

      registration or ownership between spouses or companies whose principal business is leasing vehicles; and

      registration if evidence of compliance was issued within 90 days before transfer.

5. The provisions of Article 11.3.8 do not apply if the requirements contained in Article 11.3.14 are met.

11.3.8 Motor Vehicle Inspection Standards

1. Except as provided in Article 11.3.14 any motor vehicle which is subject to inspection in accordance with the provisions of Chapter 445 of NRS and the timetable set forth in Article 11.3.8, as a condition of compliance with the inspection, must have all required federal and State emission control devices installed and properly operating in accordance with emission control specifications of the motor vehicle manufacturer.

2. Any light-duty gasoline-fueled motor vehicle which is subject to inspection in accordance with the provisions of Chapter 445 of NRS and the timetable set forth in Article 11.3.9, as a condition of compliance with the inspection, must not emit:

a. Visible smoke in its exhaust emissions or in its crankcase emissions when the prescribed inspection test procedure is used; or

b. carbon monoxide (CO) and hydrocarbons (HC) in its exhaust emissions in excess of standards set forth in Table 1 when measured with an approved exhaust gas analyzer and by the prescribed inspection procedure.

Table 1

Exhaust Emission Standards

Model Year of Vehicle	CO (%)	HC (ppm)
Up to and including 1967	7.5	1200
1968 to 1969, inclusive	5.0	600
1970 to 1974, inclusive	4.0	400
1975 and later	3.0	300

NOTE: All measurements shall be made after the engine has been operating for a sufficient period to attain normal operating temperature and the engine has been purged it is has been operating at an idle for more than five (5) minutes, subject to the provisions of Article 11.4.1.

11.3.9 Time of Implementation

1. All used light-duty motor vehicles shall be inspected and certified as having all federal or State required emission control devices installed and properly operating and shall meet the adopted exhaust emission standards in accordance with the timetable set forth in this Article.

2. a. Upon change of the registered owner in accordance with Chapter 445 of NRS after July 1, 1974, all used light duty motor vehicles based in Clark County shall be inspected and certified, by an authorized station, that State and federally required emission control devices are installed on the motor vehicle and operating properly and the motor vehicle in is compliance with the emission standards adopted in this Article.

b. In accordance with Chapter 445 of NRS, on or after July 1, 1977, all used light-duty motor vehicles being registered to a new owner or being registered for the first time are required to have evidence of compliance, in Clark County.

c. In accordance with Chapter 445 of NRS, on or after July 1, 1979, all used light-duty motor vehicles being registered or reregistered are required to have evidence of compliance, in Clark County.

3. a. Upon change of the registered owner in accordance with Chapter 445 of NRS, on or after February 1, 1978, all used light-duty motor vehicles based Washoe County shall be inspected and certified, by an authorized station, that State and federally required emission control devices are installed on the motor vehicle and operating properly and the motor vehicle is in compliance with the emission standards adopted in this Article.

   b. In accordance with Chapter 445 of NRS, on or after September 1, 1978, all used light-duty motor vehicles being registered to a new owner or being registered for the first time are required to have evidence of compliance, in Washoe County.

   c. In accordance with Chapter 445 of NRS, on or after July 1, 1979, all used light-duty motor vehicles being registered or reregistered are required to have evidence of compliance, in Washoe County.

4. On or after July 1, 1979, all used light-duty motor vehicles, including those owned by the State and any of its political subdivisions, shall be inspected and certified annually, that State and federally required emission control devices are installed on the motor vehicle and operating properly and the motor vehicle is in compliance with the emission standards adopted in this Article.

11.3.10 Licensing of Authorized Station required

1. No person may engage in the business of inspecting, repairing, installing, or adjusting a motor vehicle pollution control device for the purpose of issuing a certificate of compliance or be entitled to any other license or permit required by Chapter 445 of NRS or these rules and regulations, until he has applied for and has been issued an authorized station license.

2. The Department of Motor Vehicles shall investigate any applicant for an authorized station license, and before an applicant for an authorized station is approved, an inspection of the premises will be made by an authorized representative of the Department of Motor Vehicles.

3. No license shall be issued to an applicant unless the applicant employs at least one approved inspector, who may be the station owner.

4. All inspections must be performed only at the established place of business using an approved exhaust gas infra red analyzer and diagnostic equipment.

5. The authorized station license and all other licenses issued to approved inspectors shall be displayed in a conspicuous place under glass or other transparent material within the authorized station.

6. Authorized station shall be required to keep attached to their infra red analyzer manufacturer's quick reference guides for hookup and testing procedures for their infra red equipment.

11.3.11 Application, Fee for Authorized Stations; Issuance of License Certificate

1. Application for an authorized station license shall be filed upon forms supplied by the Department of Motor Vehicles, and the applicant shall furnish:

   a. Such proof as the Department of Motor Vehicles may deem necessary that the applicant qualifies as an authorized station, including proof that the applicant has an established place of business in this State:

   b. Fee of $25.

2. License expires at midnight on December 31 of each calendar year.

3. Upon receipt of such application, when satisfied that the applicant is entitled thereto, the Department of Motor Vehicles shall issue to the applicant an authorized station license certificate containing the stations's name and the address of his fixed place of business.

11.3.12 Approval of Inspectors

1. No person will be approved as an inspector unless he has demonstrated his qualifications and ability to the satisfaction of the Department of Motor Vehicles by the following:

   a. Submit an application on the form provided by the Department of Motor Vehicles, which establishes that the candidate is qualified to make all necessary adjustments of emission control devices according to manufacturer's specifications, record necessary information, and inspect and test for the operation of federally required emission control devices.

   b. Submit a certificate of competence which indicates his technical ability in major motor vehicle tune-ups in accordance with accepted industry practices, certified by a principal or owner of the authorized station where he will be employed.

c. Submit a certificate of competence as issued by the manufacturer of an exhaust gas analyzer approved by the Department of Motor Vehicles indicating his ability to adjust and operate that equipment.

d. Successfully complete a test and practical demonstration presented by the Department of Motor Vehicles with a grade score of no less than 75 percent.

e. At the discretion of the Department of Motor Vehicles, an applicant who fails to pass the inspector test may be required to wait for a period of seven calendar days before he may retake the approved inspector's test.

2. Upon acceptance and approval of the application, a license as an approved inspector will be issued by the Department of Motor Vehicles.

11.3.13 Fleet Station

1. An authorized station license may be issued to an owner of a fleet of three or more motor vehicles.

2. An authorized station license may be issued to the State of Nevada or any of its political subdivisions as an owner of a fleet of three or more motor vehicles.

3. Such a station shall meet all the requirements applicable to an authorized station, as set forth by these rules and regulations except a fleet station may inspect and certify only those motor vehicles which constitute such fleet and may issue a certificate of compliance for those fleet motor vehicles which are sold to the public.

11.3.14 The Department of Motor Vehicles may grant a waiver from the emission standards contained in Table 1 of Article 11.3.8, if the application for waiver includes:

1. Receipts or other evidence of parts and repairs, including labor, shall be dated after inspection and before registration and presented to the Department of Motor Vehicles. The repair parts shall be emission related such as, but not limited to, points, plugs, wires, carburetor kits, vacuum hoses, air filters, PCV, etc. The repair labor shall be emission related such as carburetor cleaning or rebuilding, installation of emission parts, etc.

2. A waiver may be granted if the cost of repair parts, exclusive of a catalytic converter, exceeds $25.00, provided that evidence is submitted and that $25.00 has been spent and parts have been installed.

3. A waiver may be granted if the combined cost of parts and labor, exclusive of a catalytic converter, for any vehicle, exceeds $75.00 provided that evidence is submitted, showing that $75.00 or more has been spent and parts have been installed.

4. A waiver also may be granted for vehicles with missing pollution control devices, provided emission standards or conditions of Article 11.3.14.2 or Article 11.3.14.3 have been met.

5. A waiver cannot be granted to model year 1975 or newer if the vehicle was equipped with a catalytic converter and the converter has been removed.

6. a. Prior emission test means a vehicle emission test performed by an authorized station where the hydrocarbons and carbon monoxide readings were recorded. For the purpose of complying with this Article this reinspection must be performed within ten days of prior inspection.

   b. If a vehicle exceeds emission standards as set forth in Article 11.3.8 and the vehicle requires repair work, this repair work may be performed by an authorized or elsewhere. Upon evidence of prior emission test having been performed and evidence of repair having been made, the Department of Motor Vehicles will reinspect the vehicle free of charge. This reinspection is to be done at the Department of Motor Vehicles test laboratory.

11.4 Department of Motor Vehicles Pollution Control Regulations

11.4.1 Prescribed Inspection Test Procedures

Step 1: Consisting of a visual inspection for visible smoke and blowby gases, at idle and fast idle, and a check under the hood making sure all federal and State required emission control devices are connected.

Step 2: After the motor vehicle has been brought to normal operating temperature, connect motor vehicle to engine diagnostic equipment. The infra red exhaust analyzer shall be adjusted according to the manufacturer's specifications. Place the probe in the tail pipe. With engine running, record the RPM idle and steady HC and CO levels. If dual exhaust, probe both. Increase RPM to 2250, record steady levels of HC and CO.

Step 3: Adjust the following to manufacturer's specifications including recommended tolerances:

A. idle speed (+ 50 rpm).

B. Dwell.

C. Air gap.

D. Timing (+ 5), in addition to manufacturer's recommended tolerances.

Step 4: While vehicle is still connected to the diagnostic equipment, record the steady HC and CO levels at the manufacturer's idle RPM. Increase RPM to 2250, record steady HC and CO levels.

Step 5: If the vehicle is found not to exceed the maximum levels for HC and CO set forth in these regulations at either the idle or 2250 RPM range, and all federal and State required emission control devices are connected and operating properly, and no blow-by or visible smoke are evident, the approved inspector will complete and sign the certificate of compliance.

Step 6: The following shall be recorded on certificate of compliance:

Make, Model, and year of vehicle ____________________
Engine type ______CID______CYL
Vehicle identification number ____________________
Odometer reading ____________________
Before HC and CO readings ____________________
Dwell or air gap ____________________
Ignition timing ____________________
Idle setting (rpm) ____________________
After HC and CO readings ____________________
Cost of adjustments and parts ____________________

11.4.2 Exhaust Gas Analyzer Performance Specifications

1. The analyzing device shall measure carbon monoxide expressed as percent carbon monoxide in air and measure hydrocarbons as hexane expressed as parts per million of hydrocarbons (hexane) in air. The device shall be designed meeting these performance specifications:

	CARBON MONOXIDE	HYDROCARBONS
Units	%	PPM
Accuracy of reading	+0.3 units on 10% scale	+50 units on 2000 scale ppm
Drift---2 hours	+0.1 units	+15 units
Repeatability	1% FS	1% FS
Min. detectable limits	0.5 units	100 units

Calibration--Two (2) point dynamic calibration
Readout--Dual digital or dual meters. Digital elements must be 1.25 centimeters (0.5 inch) in height, or each meter shall have a 10 centimeters (4 inch) effective scale width.

If the Department has reason to believe any infra red exhaust gas analyzer is not in compliance with requirements of this section, the Department may require such equipment to be laboratory tested by an independent source other than the manufacturer of the equipment.

2. A list of approved exhaust gas analyzers is on file with the Director of the Department of Motor Vehicles and may be obtained by writing to:

Department of Motor Vehicles
Registration Division
Emission Control Section
2701 East Sahara Avenue
P O Box 1899
Las Vegas, Nevada 89101

Department of Motor Vehicles
Registration Division
Emission Control Section
305 Galletti Way
Reno, Nevada 89502
After February 1, 1978

11.4.3 Inspection and Certification

1. The Department of Motor Vehicles will inspect and certify that authorized stations are properly equipped and personnel are adequately trained to issue certificates of compliance in accordance with Department of Motor Vehicles procedures.

2. The Department of Motor Vehicles will dynamically calibrate and certify the exhaust gas analyzer at intervals of not more than 30 days.

3. The Department of Motor Vehicles will disapprove in writing any authorized station found not in compliance. Certificates of compliance shall be immediately surrendered and tests conducted after disapproval shall not be acceptable to the Department of Motor Vehicles until the instrument is repaired or the inspector is recertified.

4. The authorized station shall have adequate information available to the inspector or have a procedure posted in a conspicuous place on how to obtain access to adequate information to determine:

   a. What State or Federal emission control devices are required for specific motor vehicles.

   b. What are the motor vehicle manufacturer's emission control performance specifications for the specific motor vehicle.

5. The Department of Motor Vehicles, with the technical support of the Environmental Commission, will establish a written test for licensing of approved inspectors. The approved inspectors shall be qualified to make all necessary adjustments according to manufacturer's specifications,

of emission control devices, record necessary information, and inspect and test for the operation of required emission control devices.

6. The authorized station shall maintain and submit the records of all inspections to the Department of Motor Vehicles for data evaluation.

7. The Department and the Commission will interpret and correlate the submitted date to determine the amount of reductions of emissions achieved.

8. All inspection records at the authorized station shall be maintained at the established place of business for one (1) year and shall be made available to the Department of Motor Vehicles and the Environmental Commission or its representative when conducting a compliance inspection.

9. Forms for applications of waiver will be supplied to all authorized stations by the Department of Motor Vehicles. All applications for waiver must be submitted tc the Department of Motor Vehicles, Las Vegas Office, 2701 East Sahara Avenue, Las Vegas, Nevada, or Reno Office, 305 Galletti Way, Reno, Nevada, for approval.

11.4.4 Responsibility for Obtaining Certificates of Compliance

1. Any used motor vehicle dealer, as defined in NRS 482-133, shall furnish evidence of emission control compliance at the same time a dealer's report of sale is issued under the provisions of NRS 482.424. In all other sales or purchases of a motor vehicle, the purchaser shall be responsible for providing a certificate of emission control compliance.

11.4.5 Approved Authorized Station Sign

An authorized station shall post a sign in a conspicuous place indicating the set fee or hourly rate, on a time and material basis, advising the total inspection fee and the $2.00 certificate fee as approved by the Department of Motor Vehicles and shall include the words "Authorized Station".

1. The sign shall be of material that shows a white background with dark constrasting letters and figures.

2. Dimensions of the sign shall be no less than 60 centimeters (24 inches) wide and 60 centimeters (24 inches) high.

3. All letters and figures appearing on the sign shall not be less than 5 centimeters (2 inches) in height.

11.4.6 Authorized Station's Bond; Action on Bond

1. Before any authorized station license shall be furnished to any person as provided in Chapter 445 of NRS and these rules and regulation, the Department of Motor Vehicles a good and sufficient bond in the amount of $1,000 with a corporate surety thereon, duly licensed to do business within the State of Nevada, approved as to form by the Attorney General, or place on deposit with the Department of Motor Vehicles (a) cash; (b) United States bond; (c) State of Nevada; or (d) Savings Certificate in the amount of $1,000, and conditioned that the applicant shall conduct his business as an Authorized Station without fraud or fraudulent representation and without violation of the provisions of Chapter 445 of NRS or these rules and regulations.

2. The undertaking in the bond or deposit shall be deemed to include and shall include any fraud or fraudulent representation or violation of any of the provisions of Chapter 445 of NRS and these rules and regulations by any approved inspector or employed agent for or on the behalf of the authorized station.

3. The bond or deposit shall provide that any person injured by the action of the licensee or employee acting on the behalf of the licensee in violation of any provisions of Chapter 445 of NRS and these rules and regulations may bring an action on the bond.

11.4.7 Misleading, Inaccurate Advertising, False Information Exhibited by Authorized Station

No authorized station may intentionally publish, display, or circulate any advertising which is misleading or inaccurate in any material particular or misrepresents any of the services rendered, products sold, manufactured, handled, or furnished to the public.

1. The Department of Motor Vehicles will provide a brochure for distribution to the public which will explain the reasons and methods for the emission control inspection.

11.4.8 An authorized station which does not have an approved inspector in its employ shall immediately cease to operate as an authorized station:

1. An authorized station without an approved inspector in its employ shall remove or cover the authorized station sign and shall not inspect and issue a certificate of compliance. If an approved inspector is not employed within sixty (60) days, the authorized station shall surrender the station license, all forms and supplies to the Department of Motor Vehicles.

2. An authorized station which has its license revoked, cancelled, or suspended or has surrendered its license may submit a new application sixty (60) days after any such revocation, cancellation, suspension, or surrendering of license.

11.4.9 Denial, Revocation of Authorized Station License: Grounds

1. The Department of Motor Vehicles may deny the issuance of, or revoke, an authorized station's license upon any of the following grounds:

    a. Failure of the applicant to have an established place of business in this state.

    b. Material misstatement on the application.

    c. Evidence of unfitness of the applicant or licensee.

    d. Willful failure to comply with any of the provisions of these rules and regulations or the directives of the Director of the Department of Motor Vehicles.

    e. Failure or refusal to furnish and keep in force any bond.

    f. Failure on the part of such licensee to maintain an established place of business in this State.

    g. Failure or refusal by a licensee to pay or otherwise discharge any final judgment rendered and entered against such licensee arising out of any fraud or misrepresentation of any services rendered as an authorized station.

    h. Failure of the licensee to maintain any license or bond required by any political subdivision of the State.

2. For the purposes of Article 11.4.9.1.d, failure to comply with the directives of the Director of the Department of Motor Vehicles advising the licensee of his noncompliance with any provisions of these rules and regulations within ten (10) days of the receipt of such directive is prima facie evidence of willful failure to comply with such directive.

3. The Department of Motor Vehicles is not limited to the above grounds, but may deny the issuance of the license to an applicant or revoke a license already issued if the Department of Motor Vehicles is satisfied that the applicant or licensee is not entitled thereto.

11.4.10 Hearing by Director of the Department of Motor Vehicles upon Denial of Application, Revocation of Authorized Station License.

1. The applicant or licensee may, within thirty (30) days after the receipt of the notice of denial or revocation, petition the Director of the Department of Motor Vehicles, in writing, for a hearing which may be conducted by the Director of the Department of Motor Vehicles or his authorized representative.

2. Upon filing the petition, a date for hearing will be fixed no longer than twenty (20) days after the receipt of the request for hearing, and the applicant or licensee shall have the right to be present at a hearing and testify in his own behalf and to have such other persons as he desires to be present and testify at the hearing.

3. Within ten (10) days after the hearing, the Director of the Department of Motor Vehicles or his authorized representative will either grant or finally deny the application or revoke the license.

4. Notwithstanding the provisions of Article 11.4.10.1 to 11.4.10.3, inclusive, the Department of Motor Vehicles may, if the Director of the Department of Motor Vehicles finds that the action is necessary in the public interest, upon notice to the licensee, temporarily suspend or refuse to renew the license certificate for a period not to exceed thirty (30) days. In any such case, a hearing will be held and a final decision rendered within thirty (30) days after notice of the temporary suspension.

11.4.11 Application to District Court for Denial, Revocation of Authorized License: Judicial Review.

If the application of the licensee is denied or revoked, applicant or licensee may, within thirty (30) days from the date of denial or revocation, appeal to the District Court of Carson City, or of the county of his principal place of business by judicial review as outlined in NRS 233B.130.

11.4.12 Denial of an Inspector's License

1. The Department of Motor Vehicles may refuse to issue a license to an applicant who fails to pass the examination as described in Article 11.2.12.1.d.

2. The Department of Motor Vehicles may refuse to issue a license to an applicant who fails to provide satisfactory evidence of ability and competence.

11.4.13 Denial, Revocation of an Inspector's License

1. The Department of Motor Vehicles may deny the issuance of or revoke an inspector's license upon any of the following grounds:

    a. Failure of the applicant to establish by satisfactory evidence to the Department of Motor Vehicles that he is employed by an authorized station.

    b. Applicant has knowingly made any false statements or concealed any material fact on his application for a license.

    c. Determination by the Department of Motor Vehicles that an applicant or approved inspector is not lawfully entitled thereto.

    d. Applicant knowingly submits false, inaccurate, or misleading information on a certificate of compliance or other records submitted.

    e. Every approved inspector shall report in writing to the Department of Motor Vehicles every change in his place of employment, or termination of employment within 10 days of the date of making such change.

2. The Director of the Department of Motor Vehicles is not limited to the above grounds, but may deny the issuance of a license to an applicant revoke a license already issued if the Department of Motor Vehicles is satisfied that the applicant or approved inspector is not entitled thereto.

11.4.14 Hearing by Director of the Department of Motor Vehicles upon Denial of the Application, Revocation of Approved Inspector:

1. The applicant or approved inspector may, within thirty (30) days after receipt of the notice of denial or revocation, petition the Director of the Department of Motor Vehicles, in writing, for a hearing which may be conducted by the Director of the Department of Motor Vehicles or his authorized representative.

2. Upon filing the petition, a date for hearing will be fixed no longer than twenty (20) days after receipt of the request for a hearing, and the applicant or approved inspector shall have the right to be present at a hearing and testify in his own behalf and to have such other persons as he desires to be present and testify at the hearing.

3. Within ten (10) days after the hearing, the Director of the Department of Motor Vehicles or his authorized representative will make written findings of fact and conclusions of law and will either grant or finally deny the application or revoke the license of the approved inspector.

4. Notwithstanding the provisions of Article 11.4.14.1 to 11.4.14.3, inclusive, the Department of Motor Vehicles may, if the Director of the Department of Motor Vehicles finds that the action is necessary in the public interest upon notice to the approved inspector, temporarily suspend or refuse to renew the license for a period not to exceed thirty (30) days. In any such case, a hearing will be held and a final decision rendered within thirty (30) days after notice of the temporary suspension.

11.4.15 Application to District Court for Denial, Revocation of Approved Inspector, Judicial Review.

If the application is denied or the license of an approved inspector is revoked, applicant or approved inspector may, within thirty (30) days from the date of denial or revocation, apply to the District Court of Carson City or of the county of his principal place of business by judicial review as outlined in NRS 223B.130.

11.4.16 Certificate of Compliance

1. The primary use of the certificate of compliance or evidence of compliance is for a used motor vehicle registration transaction as required by Chapter 445 of NRS, requiring that certificates of compliance or evidence of compliance with these regulations be submitted to the Department of Motor Vehicles upon application for registration by an owner of a used motor vehicle.

2. If a certificate of compliance is issued and a certificate is not required for registration purposes by Article 11.3.7.4 the authorized station issuing the certificate shall remit to the bearer the amount of the inspection and certificate fee upon demand.

11.4.17 Certificates of Compliance; Purchase

1. Certificates of compliance may be purchased only by an approved station and may be obtained by addressing request to the Department of Motor Vehicles, Registration Division, 555 Wright Way, Carson City, Nevada, 89701, or the Department of Motor Vehicles' branch offices, 2701 East Sahara Avenue, Las Vegas, Nevada, 89101 and after February 1, 1978, at 305 Galletti Way, Reno, Nevada, 89502.

a. The charge for certificates of compliance is $50. for a book of twenty-five (25) certificates. For each certificate issued to a fleet station the charge is $2.

b. An authorized station or fleet station shall not purchase or otherwise obtain certificates of compliance from a source other than the Department of Motor Vehicles.

11.4.18 Responsibility for Completing and Signing Certificates of Compliance

1. No person other than an approved inspector employed by an authorized station, or a fleet station, shall complete and sign a certificate of compliance.

2. Certificate of compliance shall include, but not be limited to, the following: sufficient information to identify the person or vehicle dealer applying for a certificate of compliance, his address, and the year, make, model, identification number of the vehicle to which a certificate is issued, additional test evaluation information as required by Chapter 445 of NRS and these rules and regulations, the name of the authorized station, signature of the approved inspector, and the time and date of inspection.

11.4.19 Fleet stations

1. An authorized station license may be issued to an owner of a fleet of three or more motor vehicles.

2. Such a station shall meet all the requirements applicable to an authorized station, as set forth by these rules and regulations except:

   a. That no sign need by displayed and prices need not be posted; and

   b. Manufacturer's specifications and instructions are required to be maintained only for those vehicles used and serviced by the fleet station.

3. A fleet authorized station may inspect and certify only those motor vehicles which constitute such fleet and may issue a certificate of compliance for those fleet motor vehicles which are sold to the public.

11.4.20 Penalties:

Chapter 445 of NRS provides:

1. A violation of any provision of NRS 445.610 to 445.710, inclusive, relating to motor vehicles, or any rule or regulation promulgated pursuant thereto relating to motor vehicles, is a misdemeanor. The provisions of NRS 445.610 to 445.710, inclusive, or any rule or regulation promulgated pursuant thereto, shall be enforced by any peace officer.
2. Satisfactory evidence that the motor vehicle or its equipment conforms to such provisions, rules or regulations, when supplied by the owner of such motor vehicle to the Department of Motor Vehicles within 10 days after the issuance of a citation pursuant to subsection 1 may be accepted by the court as a complete or partial mitigation of the offense.

These regulations become effective on August 16, 1978.

ARTICLE 12: AMBIENT AIR QUALITY STANDARDS

12.1 The following air contaminant concentrations shall not be exceeded at any single point in the ambient air:

2.1.1 Sulfur oxides as sulfur dioxide
Annual arithemetic mean . . . . 60 ug/m^3 (.02 ppm)
Maximum 24-hour concentration. . . . 260 ug/m^3 (0.1 ppm)
Maximum 3-hour concentration . . . 1,300 ug/m^3 (0.5 ppm)

12.1.2 Particulate matter
Annual geometric mean . . . . 60 ug/m^3
Maximum 24-hour concentration. . . . 150 ug/m^3

12.1.3 Carbon monoxide
Maximum 8-hour concentration . . .10,000 ug/m^3 (9.0 ppm)
Maximum 1-hour concentration . . .40,000 ug/m^3 (35.0 ppm)

12.1.4 Photochemical oxident
Maximum 1-hour concentration . . . . 160 ug/m^3 (.08 ppm)

12.1.5 Hydrocarbons (non-methane fraction)
Maximum 3-hour concentration between
6:00 a.m. and 9:00 a.m. . . . . . . 160 ug/m^3 (0.24 ppm)

12.1.6 Nitrogen dioxide
Annual arithmetic mean . . . . 100 ug/m^3 (.05 ppm)

12.2 All values corrected to reference conditions.

12.3 Definitions:

ug/m^3 - micrograms per cubic meter
ppm - parts per million by volume

12.4 These ambient air quality standards are minimum goals and it is the intent of these regulations to protect the existing quality of Nevada's air to the extent that is economically and technically feasible.

ARTICLE 13: COMPLEX SOURCES AND LARGE STATIONARY SOURCES

13.1 General Provisions for the Review of New Sources:

13.1.1 Prior to the issuance of any registration certificates in accordance with this Article the applicant shall submit to the Director an environmental evaluation and any other information the Director may deem necessary to make an independent air quality impact assessemnt.

13.1.2 The preliminary intent to issue or deny issuance of a registration certificate for a single or complex source shall be made within 15 days after receiving adequate information for reviewing the registration application. The application, the Director's review and preliminary intent to issue or deny shall be made public and maintained on file with the Director during normal business hours at 1209 Johnson Street, Carson City, Nevada, and in the Air Quality Region where the source is located, at a site specified in a prominent advertisement by the Director for thirty (30) days to enable public participation and comment. All comments on the Director's review and preliminary intent for issuance or denial shall be submitted in writing to the Director within thirty (30) days after the public announcement. Within the time period prescribed by Article 3.2.4., the Director shall make his decision, taking into account written public comments on the Director's review and preliminary intent for issuance or denial, project proponent submittal and the effect of such a facility on the maintenance of the ambient air quality standards as contained in Article 12 and the control strategy contained in the Air Quality Implementation Plan.

13.1.3 The Director shall not issue a registration certificate for any point source if:

1. The environmental evaluation submitted by the applicant shows or if the Director determines, in accordance with the provisions of this Article, that the point source:

    a. Will prevent the attainment and maintenance of the State or national ambient air quality standards;

    b. Will cause a violation of the applicable control strategy contained in the approved Air Quality Implementation Plan; or

    c. Will cause a violation of 40 CFR Parts 60 and 61, New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants;

2. The source is located in any designated nonattainment area and:

    a. The lowest achievable emission rate for each nonattainment pollutant from the source is not defined and adopted as an emission limitation for the source;

    b. Any other source within this state which is owned, operated or controlled by the applicant is not in compliance or on a schedule of compliance with these regulations and all other applicable emission limitations or variances as provided in NRS 445.506 to 445.521, inclusive;

    c. The total allowable emissions of each nonattainment pollutant from (1) the existing sources in the area, (2) those sources in the area which have received their respective registration certificates and (3) the proposed source will not be sufficiently less, by the time the proposed source is to commence operation, than the total emissions from (1) the existing sources and (2) those sources in the area which have received their respective registration certificates before the proposed source makes application for its registration certificate, so that reasonable further progress is achieved; or

d. The emissions from the source will cause or contribute to emission levels which exceed the allowance permitted for such a pollutant for the nonattainment area; or

3. In any attainment area the best available control technology is not defined and adopted as an emission limitation for the source.

13.1.4 The Director may impose any reasonable conditions on his approval, including conditions requiring the source owner or operator to conduct ambient air quality monitoring at the facility site for a reasonable period prior to commencement of construction or modification, and for any specified period after the source has commenced operation.

13.1.5 Where a proposed source located on contiguous property is constructed or modified in increments which individually are not subject to review as provided in this Article, all such increments occurring since the effective date of this Article shall be added together for determining the applicability of this Article.

13.1.6 Approval and issuance of a registration certificate to any source construction or modification shall not affect the responsibilities of the owner or owners to comply with any other portion of the control strategy.

13.1.7 Any source or proposed facility shall, upon written application to the Director, receive within thirty (30) days a written notice of his determination, either requiring the submittal of an environmental evaluation or exempting the source from such requirement.

13.2 The following new complex sources or a modification to an existing complex source which would cause increases to the existing complex source as specified below, or other such facilities as the Director may specify upon written notice shall apply for registration certificates in accordance with this Article.

13.2.1 Shopping centers with motor vehicle parking areas of greater than 500 spaces or which generate greater than 1,000 motor vehicles trips/hour or 5,000 motor vehicle trips/eight hours.

13.2.2 Sports complexes with motor vehicle parking areas greater than 1,000 spaces or a seating capacity of greater than 3,000 persons.

13.2.3 Drive-in theaters with motor vehicle parking facilities of greater than 500 spaces.

13.2.4 Motor vehicle parking lots or garages with greater than 500 spaces.

13.2.5 Residential, governmental, commercial, industrial or institutional developments which can generate greater than 1,000 vehicles trips/hour or 5,000 vehicles trips per any eight hour period or which have parking facilities of greater than 1,000 spaces or residential development with greater than 500 individual or multiple occupancy units or commercial or institutional facilities with greater than 500 sleeping or rooming accommodations.

13.2.6 Amusement parks and recreational areas with motor vehicle parking areas of greater than 1,000 spaces and which can generate greater than 1,000 vehicle trips/hour or 5,000 vehicle trips/eight hour period.

13.2.7 Highways with anticipated average annual daily traffic volumes of greater than 10,000 motor vehicles per day.

13.2.8 Sewer, water, power and gas lines which are designed to serve greater than 5,000 new connections over the next ten years.

13.2.9 Airports which are expected to generate greater than 25,000 landings and take-off operations per year by regularly scheduled airlines or charter flights over the next ten years or with parking areas of greater than 500 spaces or which generate greater than 1,000 vehicle trips/hour or 5,000 vehicle trips/eight hours.

13.3 The following new single sources or modifications to an existing single source which would cause increases to existing single sources as specified below shall submit an environmental evaluation with their application(s) for registration:

13.3.1 Any single source which can cause, allow or permit the emission of an air contaminant of greater than 23 kilograms (50 pounds) per hour.

13.3.2 Any combination of single sources located at a single premise which can cause, allow or permit the emission of an air contaminant of greater than 23 kilograms (50 pounds) per hour.

13.3.3 Any signle source, upon written notice from the Director.

13.4 Environmental Evaluation:

13.4.1 The environmental evaluation required for new or modified single or complex sources, as determined by this Article or as required by the Director, shall include the following:

13.4.1.1 An environmental evaluation shall be a careful and detailed assessment of the environmental aspects of a proposed action.

13.4.1.2 An environmental evaluation shall contain adequate environmental safeguards to be implemented by the applicant to provide for the maintenance of acceptable air quality and shall consider:

a) Ambient air concentrations before, during and after construction, empirically calculated with recognized methods as approved by the Director; or, in the case of existing ambient air concentrations, they may be measured with approved methods at approved site locations for not less than one year. Estimates shall be empirically determined for ambient air concentration immediately contiguous to the facility and at the point of predicted maximum concentration with the surrounding region.

b) Diffusion models used to determine the location and estimated value of highest air contaminant concentration shall contain:

1. Assumptions and premises.

2. Evaluation at the recorded most adverse meteorological conditions in the last 100 years.

3. Evaluation at the recorded most adverse meteorological conditions in the last year.

4. Geographic area considered in the evaluation.

5. Dispersion equations.

6. Predicted contaminant buildup.

7. Location, type and amount of emissions.

8. Meteorological information.

c) Alternate proposals which could be implemented as conditions of approval.

d) Other probable environmental effects, before, during and after construction shall be considered in the narrative portion of the evaluation.

13.5 The following are exempt from Article 13.2:

13.5.1 Complex source or single sources existing prior to February 25, 1974, and remaining unmodified thereafter or those facilities which have received local approval and necessary building or construction permits by April 1, 1974; and commence a continuous program of construction before July 1, 1974.

13.5.2 Those complex sources or single sources obtaining an exemption granted by the President under Section 118 of the Clean Air Act of 1970.

ARTICLE 14: SUPPLEMENTARY CONTROL SYSTEMS (SCS)

14.1 Definition - Supplementary Control Strategy is designed to maintain air quality standards by using rapid curtailment of the rate of sulfur emissions during adverse meteorological conditions in order to prevent the occurrence of ground-level ambient air concentrations in violation of Ambient Air Quality Standards.

14.1.1 Supplementary Control Systems (SCS) shall apply to all sources using available constant emission reduction technology to the maximum extent practicable, as contained in Article 8 of the Nevada Air Quality Regulations, which even with this technology, may not maintain the Ambient Air Quality Standards contained in Article 12.

14.2 Guidelines - A Supplementary Control System program shall have the following capabilities.

14.2.1 Continuous sampling of wind speed, wind direction, intermittent determination of atmospheric stability, and data and analyzing equipment approved by the Director shall be provided. The meteorological sampling sites shall be located at points where representative meteorological conditions are most likely to occur and these sites shall be designated by the Director.

14.2.2 The capability of making predictions of meteorological variables, with staff or under contract with a qualified meteorologist.

14.2.3 Continuous ambient air quality monitoring equipment and analyzing equipment approved by the Director in one or more locations in the area affected by the source. The ambient air monitoring sites should be located at points which are both reasonably accessible and near the locations of predictive maximum concentrations and shall be designated by the Director.

14.2.4 A technique to store and accumulate all applicable data on a continuous basis and make all information available to the Director upon written request.

14.2.5 An operating predictive model capable of forecasting the ambient air quality in the vicinity of the source which may, at the discretion of the Director, include:

a) Meteorological inputs

1. Actual inputs

2. Predicted durations

b) Emission rates

c) Source data

d) Terrain factors

e) The time required to implement a control decision

f) The time before control decision affects ambient air quality.

14.2.6 In lieu of an operative predictive model when emission curtailment can occur within one hour, the Director may, at his discretion and after an administrative hearing, approve threshhold values (measured concentration levels below Ambient Air Quality Standards and rate of change of concentrations that will serve as indicators to potential violation of Ambient Air Quality Standards) which shall be selected so that the appropriate control decision can be made in time to avoid violations of Ambient Air Quality Standards.

14.2.7 The Director shall require threshhold values with an operative predictive model.

14.3 Implementation of Supplementary Control Systems;

14.3.1 The Director shall be granted continuous access to inspect, test, and calibrate required meteorological equipment, ambient air monitoring equipment, data storing and accumulating equipment, and source discharge emission monitoring equipment and data.

14.3.2 The source shall provide adequate communications to alert the source and the Director to the attainment of one or more predetermined or predicted pollutant levies requiring specified remedial action which determines degree of emission discharge limitation needed for each situation.

14.3.3 All incidents that require remedial action will be reported to the Director within seventy-two (72) hours including information on pollutant levels, local meteorology, operations of the source at the time of the incident, curtailment response, and the results of the source's response on air quality and the predictability with the approved model.

14.3.4 The source shall provide an approved schedule to affect rapid emission curtailment which identifies a responsible person or persons on the site who are authorized to implement a curtailment of emission and who are qualified to appraise the source, upon the request of the Director, on the status of Supplementary Control Systems at any time.

14.3.5 The source shall submit a quarterly report on Supplementary Control Systems, including an analysis of the systems effect on air quality standards and how curtailment responses to adverse dispersion conditions were realized. All quarterly reports submitted by the source shall be systematically evaluated by the Director to improve the reliability of the Supplementary Control System.

14.3.6 When a predictive model is used, the ambient air quality data and predetermined threshhold values will supplement and shall override decisions based on the model output. The model quarterly review operation shall be used to convert the initially approved model into an accurate prediction mechanism tailored to the specific plant and specific ambient air quality data collected at the monitoring sites.

14.3.7 Where two or more sources are so situated that the emissions of each may contribute significantly to possible violations of the Ambient Air Quality Standards, the operation of a supplementary control system by such sources is authorized and such sources are to consult with each other and enter into contract for a coordinated Supplementary Control System that will meet the applicable Ambient Air Quality Standards. Such a plan shall be in writing and shall be submitted for approval to the Director. The Director may reject a proposed plan in whole or in part and may conditionally approve it upon acceptance by the sources of specific modifications.

14.3.8 The source or sources shall accept liability for measured violations of applicable Ambient Air Quality Standards at all sites used in the Supplementary Control System program and where ambient air quality is significantly affected by sources' emissions. Such acceptance must be in writing.

14.3.9 Any other criteria may be required that the Director deems necessary to assure that applicable ambient air quality standards are not being exceeded.

14.3.10 The Director may require that accurate records shall be kept of the SO_2 emissions by acceptable stack monitoring equipment or by other approved methods.

14.3.11 The Director shall be immediately notified of all violations of the applicable Ambient Air Quality Standards.

14.4 Application: An application for a Registration Certificate or Operating Permit using a Supplementary Control System shall contain:

14.4.1 A plan for the development, operation, and scheduling of the implementation of a Supplementary Control System which is subject to approval by the Director through ad administrative hearing.

14.4.2 A comprehensive report of a thorough background study which demonstrates the capability of the Supplementary Control System to attain applicable Ambient Air Quality Standards. The report shall contain a study made by the applicant during a 120 day period when ambient air quality concentrations of SO_2 were expected to be the highest during the year when the study was conducted and shall include, but not be limited to, the following:

a) The continuous air monitoring equipment and meteorological equipment used, its basic reliability, accuracy, and procedure for repair, replacement or maintenance.

b) The monitoring station locations for both ambient air quality and meteorology and why they were chosen.

c) The diffusion model or models used, why the model or models were used, and an estimate of the frequency of emission curtailments that is required to attain Ambient Air Quality Standards.

d) The methods to vary the emission rate, the basis for the choice, and the time required to effect sufficient reduction in the emission rate to avoid violation of the Ambient Air Quality Standards.

e) The frequency, characteristics, time of occurrence and duration of meteorological conditions associated with any violation of the Ambient Air Quality Standards during the study period.

14.4.3 A manual describing the source's Supplementary Control System program as stated in this Article.

14.4.4 A schedule of emission rates which would result under the various production curtailments.

14.4.5 Any other information the Director may require.

14.5 Revocation

14.5.1 The Director may revoke continued use of a Supplementary Control System operating permit on the following grounds:

14.5.1.1 If the source has not complied with the provisions of its Supplementary Control System program.

14.5.1.2 If the Supplementary Control System program has failed to protect Ambient Air Quality Standards.

14.5.1.3 If the source has not demonstrated good faith or effort in operating an effective program.

14.5.1.4 If the Supplementary Control System program has not reduced the emission rate in accordance with stipulated control criteria.

Senate Bill No. 275-Senators Close, Walker, Hecht, Wilson
Swobe, Young and Foley

AIR POLLUTION

POLICY DECLARATION; DEFINITIONS

445.401 Declaration of public policy

1. It is the public policy of the State of Nevada and the purpose of NRS 445.401 to 445.601, inclusive, to achieve and maintain levels of air quality which will protect human health and safety, prevent injury to plant and animal life, prevent damage to property, and preserve visibility and scenic, esthetic and historic values of the state.

2. It is the intent of NRS 445.401 to 445.601, inclusive, to:

(a) Require the use of reasonably available methods to prevent, reduce or control air pollution throughout the State of Nevada;

(b) Maintain cooperative programs between the state and its local governments; and

(c) Facilitate cooperation across jurisdictional lines in dealing with problems of air pollution not confined within a single jurisdiction.

3. The quality of air is declared to be affected with the public interest, and NRS 445.401 to 445.601, inclusive, are enacted in the exercise of the police power of this state to protect the health, peace, safety and general welfare of its people.

(Added to NRS by 1971, 1191)

445.406 Definitions. As used in NRS 445.401 to 445.601, inclusive, unless the context otherwise requires, the words and terms defined in NRS 445.411 to 445.446, inclusive, have the meanings ascribed to them in NRS 445.411 to 445.446, inclusive.

(Added to NRS by 1971, 1192; A 1973, 1811)

445.411 "Air contaminant" defined. "Air contaminant" means any substance discharged into the atmosphere except water vapor and water droplets.

(Added to NRS by 1971, 1192)

445.416 "Air pollution" defined. "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants or any combination thereof in such quantity and duration as may tend to:

1. Injure human health or welfare, animal or plant life or property.

2. Limit visibility or interfere with scenic, esthetic and historic values of the state.

3. Interfere with the enjoyment of life or property.

(Added to NRS by 1971, 1192)

445.421 "Commission" defined. "Commission" means the state environmental commission.

(Added to NRS by 1971, 1192; A 1973, 1811)

445.424 "Department" defined. "Department" means the state department of conservation and natural resources.

(Added to NRS by 1973, 1808; A 1973, 1406; 1977, 1142)

445.427 "Director" defined. "Director" means the director of the department or his designee or person designated by or pursuant to a county or city ordinance or regional agreement or regulation to enforce local air pollution control ordinances and regulations.

(Added to NRS by 1973, 1808)

445.431 "Federal Act" defined. "Federal Act" means the Clean Air Act (42 U.S.C. §§ 1857 et seq.), which includes the Clean Air Act of 1963 (P.L. 88-206) and amendments made by the Motor Vehicle Air Pollution Control Act (P.L. 89-272, October 20, 1965), the Clean Air Act Amendments of 1966 (P.L. 89-675, October 15, 1966), the Air Quality Act of 1967 (P.L. 90-148, November 21, 1967), the Clean Air Amendments of 1970 (December 31, 1970) and any and all amendments thereto made after July 1, 1971.

(Added to NRS by 1971, 1192)

445.441 "Person" defined. "Person" means the State of Nevada and any individual, group of individuals, partnership, firm, company, corporation, association, trust, estate, political subdivision, administrative agency, public or quasi-public corporation, or other legal entity.

(Added to NRS by 1971, 1192)

445.446 "Source," "indirect source" defined.

1. "Source" means any property, real or personal, which directly emits or may emit any air contaminant.

2. "Indirect source" means any property or facility that has or solicits secondary or adjunctive activity which emits or may emit any air contaminant for which there is an ambient air quality standard, notwithstanding that such property or facility may not itself possess the capability of emitting such air contaminants. Indirect sources include, but are not limited to:

(a) Highways and roads;
(b) Parking facilities;
(c) Retail, commercial and industrial facilities;
(d) Recreation, amusement, sports and entertainment facilities;
(e) Airports;
(f) Office and government buildings;
(g) Apartment and condominium buildings;
(h) Educational facilities,

and other such property or facilities which will result in increased air contaminant emissions from motor vehicles or other stationary sources.

(Added to NRS by 1971, 1192; A 1973, 1811; 1975, 1781; 1977, 1558)

STATE ENVIRONMENTAL COMMISSION

445.451 State environmental commission: Creation; composition; chairman; quorum; salary, expenses of members; disqualification of members; technical support.

1. The state environmental commission is hereby created in the state department of conservation and natural resources. The commission consists of:

(a) The director of the Nevada department of fish and game;
(b) The state forester firewarden;
(c) The state engineer;
(d) The executive director of the state department of agriculture;

(e) A member of the state board of health to be designated by that board; and

(f) Four members appointed by the governor one of whom is a person who is a general engineering contractor or a general building contractor licensed pursuant to chapter 624 of NRS.

2. The governor shall appoint the chairman of the commission from among the members.

3. A majority of the members constitutes a quorum and a majority of those present must concur in any decision.

4. Each member who is appointed by the governor is entitled to receive a salary of $40 for each day's attendance at a meeting of the committee and the travel expenses and subsistence allowances as provided by law.

5. Any person who receives or has during the previous 2 years received a significant portion of his income, as defined by any applicable state or federal law, directly or indirectly from one or more holders of or applicants for a permit required by NRS 445.131 to 445.354, inclusive, is disqualified from serving as a member of the commission. This subsection does not apply to any person who receives or has received during the previous 2 years, a significant portion of his income from any department or agency of state government which may be a holder of or an applicant for a permit required by NRS 445.131 to 445.354, inclusive.

6. The state department of conservation and natural resources shall provide technical advice, support and assistance to the commission. All state officers, departments, commissions and agencies, including but not limited to, the department of highways, the Nevada department of fish and game, the department of human resources, the University of Nevada System, the state public works board, the department of motor vehicles, the public service commission of Nevada and the state department of agriculture may also provide technical advice, support and assistance to the commission.

(Added to NRS by 1971, 1192; A 1973, 908, 1406, 1720; 1975, 1404; 1977, 1142, 1220, 1484, 1561)

445.456 Department designated as state air pollution control agency. The department is:

1. Designated as the air pollution control agency of the state for the purposes of the Federal Act insofar as it pertains to state programs.

2. Authorized to take all action necessary or appropriate to secure to this state the benefits of the Federal Act.

(Added to NRS by 1971, 1139; A 1973, 1813)

445.461 Commission powers and duties. The commission may:

1. Subject to the provisions of NRS 445.466, adopt rules and regulations consistent with the general intent and purposes of NRS 445.401 to 445.601, inclusive, to prevent, abate and control air pollution.

2. Establish air quality standards.

3. Require access to records relating to emissions which cause or contribute to air pollution.

4. Cooperate with other governmental agencies, including other states and the Federal Government.

5. Establish such emission control requirements as may be necessary to prevent, abate or control air pollution.

6. Require the registration of air pollution sources together with a description of the processes employed, fuels used, nature of emissions and other information considered necessary to evaluate the pollution potential of a source.

7. Hold hearings for purposes of implementing NRS 445.401 to 445.601, inclusive, except as otherwise provided in such sections.

8. Establish fuel standards for both stationary and mobile sources of air contaminants.

9. Require elimination of devices or practices which cannot be reasonably allowed without generation of undue amounts of air contaminants.

(Added to NRS by 1971, 1193; A 1973, 1813)

Sec. 13. The commission may:

15. Review recommendations of the hearing board and take such additional evidence as the commission deems necessary or remand to the hearing board for such evidence as the commission may direct.

19. Delegate all powers, except subsections 1, 3, 14, 16, and 18 to the control officer or his representatives as may be necessary to implement sections 2 to 40, inclusive, of this act.

445.466 Commission regulations: Notice and hearing. In the adoption of any regulation, the commission shall hold a public hearing. Notice of the public hearing shall be given by at least three publications of a notice in newspapers throughout the state, once a week for 3 weeks, commencing at least 30 days prior to the hearing.

(Added to NRS by 1971, 1194; A 1973, 1814; 1977, 69)

445.471 Additional powers of commission. In carrying out the purposes of NRS 445.401 to 445.601, inclusive, the commission, in addition to any other action which may be necessary or appropriate to carry out such purposes, may:

1. Cooperate with appropriate federal officers and agencies of the Federal Government, other states, interstate agencies, local governmental agencies and other interested parties in all matters relating to air pollution control in preventing or controlling the pollution of the air in any area.

2. Recommend measures for control of air pollution originating in this state.

(Added to NRS by 1971, 1194; A 1973, 1814)

445.472 Power of commission to require monitoring, source tests. The commission may require the monitoring or source tests of existing or new stationary sources which can emit an air contaminant.

(Added to NRS by 1973, 1810)

445.473 Department powers and duties. The department shall:

1. Make such determinations and issue such orders as may be necessary to implement the purposes of NRS 445.401 to 445.601, inclusive.

2. Apply for and receive grants or other funds or gifts from public or private agencies.

3. Cooperate and contract with other governmental agencies, including other states and the Federal Government.

4. Conduct investigations, research and technical studies consistent with the general purposes of NRS 445.401 to 445.601, inclusive.

5. Prohibit as specifically provided in NRS 445.491 and 445.496 and as generally provided in NRS 445.401 to 445.601, inclusive, the installation, alteration or establishment of any equipment, device or other article capable of causing air pollution.

6. Require the submission of such preliminary plans and specifications and other information as it deems necessary to process permits.

7. Enter into and inspect at any reasonable time any premises containing an air contaminant source or a source under construction for purposes of ascertaining compliance with NRS 445.401 to 445.601, inclusive.

8. Specify the manner in which incinerators may be constructed and operated.

9. Institute proceedings to prevent continued violation of any order issued by the director and to enforce the provisions of NRS 445.401 to 445.601, inclusive.

10. Require access to records relating to emissions which cause or contribute to air pollution.

11. Take such action in accordance with the rules, regulations and orders promulgated by the commission as may be necessary to prevent, abate and control air pollution.

(Added to NRS by 1973, 1808)

445.474 Additional powers of department. In carrying out the purposes of NRS 445.401 to 445.601, inclusive, the department may, if it considers it necessary or appropriate:

1. Cooperate with appropriate federal officers and agencies of the Federal Government, other states, interstate agencies, local governmental agencies and other interested parties in all matters relating to air pollution control in preventing or controlling the pollution of the air in any area.

2. On behalf of this state, apply for and receive funds made available to the state for programs from any private source or from any agency of the Federal Government under the federal act. All moneys received from any federal agency or private source as provided in this section shall be paid into the state treasury and shall be expended, under the direction of the department, solely for the purpose or purposes for which the grant or grants have been made.

3. Certify to the appropriate federal authority that facilities are in conformity with the state program and requirements for control of air

pollution, or will be in conformity with the state program and requirements for control of air pollution if such facility is constructed and operated in accordance with the application for certification.

4. Develop measures for control of air pollution originating in the state.

(Added to NRS by 1973, 1809)

445.476 Power of department representatives to enter and inspect premises.

1. Any duly authorized officer, employee or representative of the department may enter and inspect any property, premises or place on or at which an air contaminant source is located or is being constructed, installed or established at any reasonable time for the purpose of ascertaining the state of compliance with NRS 445.401 to 445.601, inclusive, and rules and regulations in force pursuant thereto.

2. No person shall:

(a) Refuse entry or access to any authorized representative of the department who requests entry for purposes of inspection, as provided in this section, and who presents appropriate credentials;

(b) Obstruct, hamper or interfere with any such inspection.

3. If requested, the owner or operator of the premises shall receive a report setting forth all facts found which relate to compliance status.

(Added to NRS by 1971, 1194; A 1973, 1815)

445.477 Power of department to perform, require stack source emission tests. The department may perform a stack source emission test or require the source owner or operator to have such test made prior to approval or prior to the continuance of an operating permit or simiiar class of permits.

(Added to NRS by 1973, 1810; A 1975, 1405)

LOCAL HEARING BOARDS

445.481 Local air pollution control hearing boards: Creation; members; terms.

1. The governing body of any district, county or city authorized to operate an air pollution control program under NRS 445.401 to 445.601, inclusive, may appoint an air pollution control hearing board.

2. The air pollution control hearing board appointed by a county, city or health district shall consist of seven members who are not employees of the state or any political subdivision of the state. One member of the hearing board shall be an attorney admitted to practice law in Nevada, one member shall be a professional engineer registered in Nevada and one member shall be licensed in Nevada as a general engineering contractor or a general building contractor as defined by NRS 624.215. Three shall be appointed for a term of 1 year, three shall be appointed

for a term of 2 years and one shall be appointed for a term of 3 years. Each succeeding term shall be for a period of 3 years.

(Added to NRS by 1971, 1195; A 1973, 1815; 1975, 1782)

445.486 Compelling attendance of witnesses at hearings; contempt; compensation of witnesses.

1. The district court in and for the county in which any hearing is being conducted may compel the attendance of witnesses, the giving of testimony and the production of books and papers as required by any subpena issued by the chairman of the hearing.

2. In case of the refusal of any witness to attend or testify or produce any papers required by such subpena the chairman may report to the district court in and for the county in which the hearing is held, by petition setting forth:

(a) That due notice has been given of the time and place of attendance of the witness or the production of the books and papers;

(b) That the witness has been subpenaed in the manner prescribed in NRS 445.401 to 445.601, inclusive;

(c) That the witness has failed and refused to attend or produce the papers required by subpena in the hearing named in the subpena, or has refused to answer questions propounded to him in the course of such hearing,

and asking an order of the court compelling the witness to attend and testify or produce the books or papers in the hearing.

3. The court, upon petition of the chairman, shall enter an order directing the witness to appear before the court at a time and place to be fixed by the court in such order, the time to be not more than 10 days from the date of the order, and then and there show cause why he has not attended or testified or produced the books or papers in the hearing. A certified copy of the order shall be served upon the witness. If it appears to the court that the subpena was regularly issued by the chairman, the court shall thereupon enter an order that the witness appear in the hearing at the time and place fixed in the order and testify or produce the required books or papers, and upon a failure to obey the order the witness shall be dealt with as for contempt of court.

4. Witnesses may be compensated in the amounts provided in NRS 50.225.

(Added to NRS by 1971, 1195; A 1973, 1816)

ENFORCEMENT PROVISIONS

445.491 Registration, report of air contaminant sources; notice, approval of proposed construction; operating permits; failure of commission to act does not excuse violations.

1. The commission shall by regulation:

(a) Require the person operating or responsible for the existence of each source of air contaminant, generally or within a specified class or classes, to register and to report:

(1) The location of the source;

(2) The size and height of outlets;

(3) The process employed;

(4) The fuel or fuels used;

(5) The nature, rate and duration of emissions; and

(6) Such other information relevant to possible air pollution as the commission may specify, if such information can reasonably be made available.

(b) Require that written notice be given to the director prior to the construction, installation, alteration or establishment of any source of air contaminant or of any specified class or classes of such sources, or the alteration of any device intended primarily to prevent or reduce air pollution. If within the time prescribed by regulation the director determines that:

(1) The proposed construction, installation, alteration or establishment will not be in accordance with the provisions of the plans, specifications and other design material required to be submitted under NRS 445.401 to 445.601, inclusive, or applicable rules and regulations; or

(2) The design material or the construction itself is of such a nature that it patently cannot bring such source into compliance with NRS 445.401 to 445.601, inclusive, or applicable rules and regulations,

the director shall issue an order prohibiting the construction, installation, alteration or establishment of the air contaminant source or sources.

(c) Require operating permits for any source.

2. The commission shall by regulation provide for the issuance, renewal, revocation and suspension of operating permits, and it may charge appropriate fees for their issuance.

3. Any failure of the commission or the department to issue a rule, regulation or order to prohibit any act does not relieve the person so operating from any legal responsibility for the construction, operation or existence of the source of air contaminant.

4. All administrative fees collected by the commission from stationary sources pursuant to subsection 2 shall be deposited in the general fund of the state. This subsection shall not apply to political subdivisions or their agencies.

(Added to NRS by 1971, 1196; A 1973, 1816)

445.496 Approval of plans, specifications prerequisite to construction, alteration of structure.

1. The commission shall require, with respect to all sources of air contaminant, including indirect sources, that plans, specifications and such other information as the commission may direct be submitted to the director not later than a specified interval prior to the construction or alteration of a building or other structure if such construction or alteration includes the establishment or alteration of a source or indirect source of air contaminant.

2. The local government authority, if any, responsible for issuing any required building permit shall not issue such building permit until the registration has been made pursuant to regulation and no stop order prohibiting such construction or alteration has been issued.

(Added to NRS by 1971, 1197; A 1973, 1817; 1977, 1559)

445.497 Notice of regulatory action: Requirement; method; contents of notice. When the department takes any regulatory action, under the provisions of NRS 445.401 to 445.601, inclusive, or under any rule, regulation, order or standard based thereon, it shall give reasonable notice to all parties by certified mail, which notice shall state the legal authority, jurisdiction and reasons for the action taken.

(Added to NRS by 1973, 1809)

445.498 Appeals to commission: Notice of appeal. A party aggrieved may file notice of appeal with the commission within 10 days after the date of notice of action of the department, except as otherwise provided by law.

(Added to NRS by 1973, 1809)

445.499 Appeals to commission: Hearings.

1. Within 20 days after receipt of the notice of appeal provided for in NRS 445.498, the commission shall hold a hearing.

2. Notice of the hearing shall be given to all affected parties no less than 5 days prior to the date set for the hearing.

3. The commission may sit en banc or in panels of three or more to conduct hearings.

4. The attendance of witnesses and the production of documents may be subpenaed by the commission at the request of any party. Witnesses shall receive the fees and mileage allowed witnesses in civil cases. Costs of subpenas shall be taxed against the requesting party.

5. All testimony shall be given under oath, and recorded verbatim by human or electronic means.

6. For the purpose of judicial review under NRS 445.571, the parties may agree upon a statement of facts in lieu of a transcript of testimony.

7. Costs of transcribing proceedings of the commission shall be taxed against the requesting party.

(Added to NRS by 1973, 1809)

445.501 Appeals to commission: Appealable matters; commission action; rules for appeals.

1. Any person aggrieved by:

(a) The issuance, denial, renewal, suspension or revocation of an operating permit; or

(b) The issuance, modification or rescission of any other order, by the director may appeal to the commission.

2. The commission shall affirm, modify or reverse any action taken by the director which is the subject of the appeal.

3. The commission shall provide by rule for the time and manner in which appeals are to be taken to the commission.

(Added to NRS by 1971, 1197; A 1973, 1818; 1977, 69)

VARIANCES

445.506 Variances: Conditions, criteria for granting variance; power to revoke.

1. The owner or operator of a source of air contaminant or a person who desires to establish such a source may apply to the commission for a variance from its applicable regulations. The commission may grant a variance only if, after public hearing on due notice, it finds from a preponderance of the evidence that:

(a) The emissions occurring or proposed do not endanger or tend to endanger human health or safety; and

(b) Compliance with the regulations would produce serious hardship without equal or greater benefits to the public.

2. A variance shall not be granted unless the commission has considered the relative interests of first, the public; second, other owners of property likely to be affected by the emissions; and last, the applicant.

3. The commission may in granting a variance impose appropriate conditions upon an applicant, and may revoke the variance for failure to comply.

(Added to NRS by 1971, 1197)

445.511 Variances: Renewal; protest and hearing on application for renewal.

1. A variance may be renewed only under circumstances and upon conditions which would justify its original granting.

2. Application for any renewal must be made at least 60 days prior to expiration of the variance to be renewed, and the commission shall give public notice of the application.

3. If a protest is filed with the commission against the renewal, the commission shall hold a public hearing and shall not renew the variance unless it makes specific, written findings of fact which justify the renewal.

(Added to NRS by 1971, 1198)

445.516 Variances: Limitations on duration; annual review.

1. The following limitations of duration apply to all variances:

(a) If the variance is granted because no practical means is known or available for prevention, abatement or control of the air pollution involved, the variance shall continue only until such means become known and available.

(b) If the variance is granted because compliance with applicable regulations will require measures which, because of extent or cost, must be spread over a period of time, the variance shall be granted only for the requisite period as determined by the commission, and shall specify the time when the successive steps are to be taken.

(c) If the variance is granted for any other reason, it shall be granted for 1 year or less.

2. A variance whose duration is limited by paragraph (a) or (b) of subsection 1 shall be reviewed at least once each year to determine whether practical measures have become available or required steps have been taken.

(Added to NRS by 1971, 1198)

445.521 Granting, renewal of variance discretionary. No applicant is entitled to the granting or renewal of a variance as of right.

(Added to NRS by 1971, 1198; A 1973, 1818; 1977, 70)

Sec. 28. 1. The commission may by regulation prescribe standards for exhaust emissions, fuel evaporative emissions and visible smoke emissions from internal combustion engines, stationary or otherwise, on the ground or in the air, including but not limited to aircraft, motor vehicles, snowmobiles and railroad locomotives. Such regulations shall be consistent with any federal regulation for such emissions and shall be uniform throughout the state.

2. If the Administrator of the Federal Environmental Protection Agency determines that it is feasible and practicable to implement a program of periodic inspection and testing of motor vehicle emission control systems, and if the implementation of such a program of inspection and testing is deemed necessary to achieve prescribed air quality standards, the commission may, in cooperation with the department of motor vehicles, adopt such rules and regulations as may be necessary to implement such a program. The commission may also provide for such other controls on transportation as may be necessary to achieve compliance with prescribed air quality standards.

Sec. 28.5. Violation of any standard prescribed pursuant to section 28 of this act is a misdemeanor. Whenever any motor vehicle is found by any peace officer to be in violation of the standards prescribed pursuant to section 28 of this act, and a citation is issued, the court may require that the owner of such motor vehicle provide satisfactory evidence that such motor vehicle or its equipment have been made to conform to such standards.

Hearings, Orders Respecting Violations

445.526 Violations: Notice and order by director; hearing; alternative procedures.

1. Whenever the director believes that a statute or regulation for the prevention, abatement or control of air pollution has been violated, he shall cause written notice to be served upon the person or persons responsible for the alleged violation.

2. The notice shall specify:

(a) The statute or regulation alleged to be violated; and

(b) The facts alleged to constitute the violation.

3. The notice may include an order to take corrective action within a reasonable time, which shall be specified. Such an order becomes final unless, within 10 days after service of the notice, a person named in the order requests a hearing before the commission.

4. With or without the issuance of an order pursuant to subsection 3, or if corrective action is not taken within the time specified:

(a) The director may notify the person or persons responsible for the alleged violation to appear before the commission at a specified time and place; or

(b) The commission may initiate proceedings for recovery of the appropriate penalty.

5. Nothing in this section prevents the commission or the director from making efforts to obtain voluntary compliance through warning, conference or other appropriate means.

(Added to NRS by 1971; A 1973, 1818; 1975, 1405)

445.529 Violations: Injunctive relief.

1. If in the judgment of the director, any person is engaged in or is about to engage in any act or practice which constitutes or will constitute a violation of any provision of NRS 445.401 to 445.601, inclusive, or any rule, regulation or order issued under NRS 445.401 to 445.601, inclusive, the director may request the attorney general to apply to the district court for an order enjoining such act or practice, or for an order directing compliance with any provision of NRS 445.401 to 445.601, inclusive, or any rule, regulation or order issued under NRS 445.401 to 445.601, inclusive.

2. Upon a showing by the director that such person has engaged in or is about to engage in any such act or practice, a permanent or temporary injunction, restraining order or other appropriate order may be granted by the court.

(Added to NRS by 1973, 1809)

LOCAL AIR POLLUTION CONTROL PROGRAMS

445.546 Local air pollution control programs: Establishment.

1. Except as provided in subsection 4 and in subsections 2 and 3 of NRS 445.493:

(a) The district board of health, county board of health or board of county commissioners in each county which has a population of 100,000 or more, as determined by the last preceding national census of the

Bureau of the Census of the United States Department of Commerce, shall establish an air pollution control program within 2 years after July 1, 1971, and administer such program within its jurisdiction unless superseded.

(b) The program shall:

(1) Establish by ordinance or local regulation standards of emission control, emergency procedures and variance procedures equivalent to or stricter than those established by statute or state regulation; and

(2) Provide for adequate administration, enforcement, financing and staff.

(c) The district board of health, county board of health or board of county commissioners is designated as the air pollution control agency of the county for the purposes of NRS 445.401 to 445.601, inclusive, and the federal act insofar as it pertains to local programs, and such agency is authorized to take all action necessary to secure for the county the benefits of the federal act.

(d) Powers and responsibilities provided for in NRS 445.461, 445.476 to 445.526, inclusive, 445.571 to 445.581, inclusive, and 445.601 shall be binding upon and shall inure to the benefit of local air pollution control authorities within their jurisdiction.

2. The local air pollution control board shall carry out all provisions of NRS 445.466 with the exception that notices of public hearings shall be given in any newspaper, qualified pursuant to the provisions of chapter 238 of NRS, as amended from time to time, once a week for 3 weeks, which notice shall specify with particularity the reasons for the proposed rules or regulations and provide other informative details. NRS 445.466 shall not apply to the adoption of existing regulations upon transfer of authority as provided in NRS 445.598.

3. Any county whose population is less than 100,000 or any city may meet the requirements of this section for administration and enforcement through cooperative or interlocal agreement with one or more other counties, or through agreement with the state, or may establish its own air pollution control program. If such county establishes such program, it shall be subject to the approval of the commission.

4. No district board of health, county board of health or board of county commissioners may adopt any regulation or establish a compliance schedule, variance order or other enforcement action relating to emission control of fossil fuel-fired electric steam generating facilities.

(Added to NRS by 1971, 1199; A 1973, 1819; 1975, 1126, 1782; 1977, 1559)

445.551 Power of commission to require areawide air pollution control program.

1. If the commission finds that:

(a) The location, character or extent of particular concentrations of population or sources of air contaminant;

(b) Geographic, topographic or meteorological considerations; or

(c) Any combination of these factors,

makes impracticable the maintenance of appropriate levels of air quality without an areawide air pollution control program, it shall after a public hearing define the area so affected.

2. If an areawide air pollution control program is not established by cooperative or interlocal agreement within a time specified by the commission, the commission shall establish such a program, which shall be a charge on the counties, and may supersede any local program within the area.

(Added to NRS by 1971, 1200)

445.556 Power of commission to establish or supersede county air pollution control program.

1. If a county required to establish or participate in an air pollution control program fails to do so, or if the commission believes that a program previously approved is inadequate, it shall hold a public hearing. If it finds that an adequate program has not been adopted or that a program has become inadequate, it shall fix a time within which necessary corrective measures are to be taken.

2. If the prescribed measures are not so taken, the commission shall direct the department to administer an adequate air pollution control program within the county, which shall be a charge on the county, and may supersede any existing county air pollution control program.

(Added to NRS by 1971, 1200; A 1973, 1820)

445.561 Power of commission to assume jurisdiction over specific classes of air contaminants.

1. If the commission finds that the control of a particular class of sources of air contaminant because of its complexity or magnitude is beyond the reasonable capability of one or more local air pollution control authorities, it may assume and retain jurisdiction over that class in the county or counties so affected.

2. Sources may be classified for the purpose of this section on the basis of their nature or their size relative to the county in which they are located.

(Added to NRS by 1971, 1200)

445.566 Restoration of superseded local programs; continuation of existing local programs.

1. A county or area whose local jurisdiction over air pollution control has been superseded may establish or restore a local air pollution control program if such program is approved as adequate by the commission.

2. A district, county or city which has an air pollution control program in operation on July 1, 1971, may continue its program if within 1 year after July 1, 1971, the program is approved as adequate by the

commission. Such approval shall be deemed granted unless the commission specifically disapproves the program after a public hearing. Nothing in NRS 445.401 to 445.601, inclusive, is to be construed as invalidating any rule, regulation, enforcement action, variance, permit, cease and desist order, compliance schedule, or any other legal action taken by any existing air pollution control authority pursuant to former NRS 445.400 to 445.595, inclusive, on or before July 1, 1971, unless it is specifically repealed, superseded or disapproved, pursuant to NRS 445.466.

(Added to NRS by 1971, 1200)

MISCELLANEOUS PROVISIONS

445.571 Emergency plans, procedures.

1. The commission may provide by rules and regulations for alert, warning, and emergency standards and abatement procedures relative to air pollution episodes or emergencies constituting, or likely to constitute, an imminent and substantial danger to the health of persons.

2. Any person responsible for the operation of a source of air contaminants which is designated by the director shall prepare and submit emergency plans for reducing or eliminating the emissions of air contaminants during such periods of air stagnation or air pollution episodes or emergencies as may be declared by the director. The emergency plans shall be subject to review and approval by the director. If, in the opinion of the director, an emergency plan does not effectively carry out the objective of reducing or eliminating the emissions of air contaminants during periods of air stagnation or air pollution episodes or emergencies, the director shall disapprove it, state the reason for disapproval, and order the preparation and submission of an amended emergency plan within the time period specified in the order. If an approvable emergency plan is not prepared and submitted within the time period specified in the order, the director shall issue an emergency plan applicable to that person. Persons subject to the emergency plan shall obey the plan during periods of air stagnation or air pollution episodes or emergencies declared by the director. The provisions of NRS 445.501 with respect to appeals do not apply to this subsection.

3. Any other provisions of law to the contrary notwithstanding, if the director finds that a generalized condition of air pollution exists or that emissions from one or more air contaminant sources occur and that the condition or sources create, or are likely to create, an imminent and substantial danger to health requiring immediate action to protect human health and safety, the director shall order persons causing or contributing to the air pollution or responsible for the operation of the source to reduce or discontinue immediately the emission of air contaminants. Any person subject to the order may appeal directly to the district court or request a hearing before the commission.

4. This section does not limit any power of any other state officer to declare an emergency and to act on the basis of such declaration.

(Added to NRS by 1971, 1201; A 1973, 1820)

445.576 Confidential information: Definition; limitations on use; penalty for unlawful disclosure or use.

1. As used in this section, "confidential information" means information or records which:

(a) Relate to quantities or dollar amounts of production or sales;

(b) Relate to processes or production unique to the owner or operator; or

(c) If disclosed, would tend to affect adversely the competitive position of the owner or operator.

2. The emission of an air contaminant which has an ambient air quality standard or emission standard or has been designated as a hazardous air pollutant by the United States Environmental Protection Agency cannot be certified as being confidential.

3. Any information, except information on emission data, received by the commission, the director or any local control authority which is certified to the recipient as confidential by the owner or operator disclosing the information shall, unless the owner expressly agrees to its publication or availability to the public, be used only:

(a) In the administration or formulation of air pollution controls; or

(b) In compiling or publishing analyses or summaries relating to the condition of the outdoor atmosphere which do not identify any owner or operator or reveal any confidential information; or

(c) In complying with federal statutes, rules and regulations.

4. This section does not prohibit the use of confidential information in prosecution for the violation of any air pollution control statute, ordinance or regulation.

5. A person who discloses or knowingly uses confidential information in violation of this section is guilty of a misdemeanor, and shall be liable in tort for any damages which may result from such disclosure or use.

(Added to NRS by 1971, 1201; A 1973, 1821; 1975, 1405)

445.581 Power of department officers to inspect, search premises; search warrants.

1. It is a condition of the issuance of any operating permit or any registration required by the commission or pursuant to any local air pollution control ordinance that the registrant or holder of the operating permit agrees to permit inspection of the premises to which the permit or registration relates by any authorized officer of the department at any time during the registrant's or holder's hours of operation without prior notice. This condition shall be stated on each registration or application form and operating permit.

2. If a source of air contaminant exists or is constructed without registration or is operated without an operating permit, such officer may inspect it at any reasonable time, and may enter any premises to search for such a source. If entry is refused, or prior to attempting to enter, such officer may apply to any magistrate for a search warrant. The magistrate

shall issue the warrant if he believes from the supporting affidavit or affidavits that there is probable cause to believe that a source of air contaminant exists or is being constructed or operated on the premises to be searched.

(Added to NRS by 1971, 1202; A 1973, 1822)

445.586 Governmental sources of air contaminants to comply with air pollution laws, regulations and ordinances; planning, zoning agencies to consider effects on air pollution.

1. All governmental sources of air contaminants shall comply with all local and state air pollution laws, regulations and ordinances.
2. All planning commissions, zoning boards of adjustment, and governing bodies of unincorporated towns, incorporated cities and counties shall in the performance of their duties imposed by chapter 278 of NRS or other statutes relating to planning and zoning consider the effects of possible air pollution and shall submit to the department for evaluation such concise statement of the effects on air quality by complex sources.

(Added to NRS by 1971, 1202; A 1973, 1822; 1975, 1406)

445.596 Private rights and remedies not affected. Nothing in NRS 445.401 to 445.591, inclusive, shall be construed to abridge, limit, impair, create, enlarge or otherwise affect substantively or procedurally the right of any person to damages or other relief on account of injury to persons or property and to maintain any action or other appropriate proceeding therefor in the courts of this state or the courts of the United States on a tort claim against the United States or a federal agency as authorized by federal statutes.

(Added to NRS by 1971, 1202)

445.598 Provisions for transition in administration.

1. All rules, regulations and standards promulgated by the state commission of environmental protection pertaining to air pollution control in force on July 1, 1973, shall remain in effect until such time as revised by the state environmental commission pursuant to NRS 445.401 to 445.601, inclusive.
2. Any and all action taken by the state commission of environmental protection, including but not limited to existing orders, notices of violation, variances, permits, cease and desist orders and compliance schedules, shall remain in full force and effect and binding upon the state environmental commission, the director, the department and all persons to whom such action may apply on or after July 1, 1973.
3. In the event that a local air pollution control program described in NRS 445.546 is transferred in whole or in part from an existing air pollution control agency to another agency, all rules and regulations adopted by the existing agency may be readopted as amended to reflect the transfer of authorities by the new agency immediately upon such transfer, and the provisions of NRS 445.466 shall not apply to such readoption.

4. If a transfer of local authority as described in subsection 3 occurs, all orders, notices of violation, variances, cease and desist orders, compliance schedules and other legal action taken by the existing air pollution control board, control officer, or hearing board shall remain in full force and effect, and shall not be invalidated by reason of such transfer.

(Added to NRS by 1973, 1810)

PENALTIES

445.601 Civil penalties; fines not bar to injunctive relief, other remedies; disposition of fines.

1. Any person who violates any provision of NRS 445.401 to 445.526, inclusive, and 445.546 to 445.601, inclusive, or any regulation in force pursuant thereto, other than NRS 445.576 on confidential information, is guilty of a civil offense and shall pay an administrative fine levied by the commission of not more than $5,000. Each day of violation constitutes a separate offense.

2. The commission shall by regulation establish a schedule of administrative fines not exceeding $500 for lesser violations of any provision of NRS 445.401 to 445.526, inclusive, and 445.546 to 445.601, inclusive, or any regulation in force pursuant thereto.

3. Action pursuant to subsection 1 or 2 is not a bar to enforcement of the provisions of NRS 445.401 to 445.526, inclusive, and 445.546 to 445.601, inclusive, regulations in force pursuant thereto, and orders made pursuant to NRS 445.401 to 445.526, inclusive, and 445.546 to 445.601, inclusive, by injunction or other appropriate remedy, and the commission or the director may institute and maintain in the name of the State of Nevada any such enforcement proceedings.

4. All administrative fines collected by the commission pursuant to this section shall be deposited in the county school district fund of the county where the violation occurred.

(Added to NRS by 1971, 1202; A 1973, 1822; 1975, 1406; 1977, 70)

ENGINE EMISSION CONTROLS

445.610 Definitions. As used in NRS 445.610 to 445.710, inclusive, unless the context otherwise requires:

1. "Authorized station" means a station licensed by the department of motor vehicles for inspecting motor vehicles and pollution control devices for compliance with this chapter or any applicable federal or commission regulation and for installing, repairing and adjusting pollution control devices and motor vehicles to meet the commission's requirements.

2. "Commission" means the state environmental commission.

3. "Evidence of compliance" includes a certificate issued when a motor vehicle has been inspected and:

(a) Has the required equipment; or

(b) Does not meet the emission control requirements after the repairs have been made and the commission waives compliance.

4. "Fleet station" means a facility which is licensed by the department to conduct inspections of the motor vehicles of qualified owners or lessees.

5. "Motor vehicle" means every self-propelled vehicle in, upon or by which any person or property is or may be transported or drawn upon a public highway except devices moved by human or animal power or used exclusively on stationary rails.

(Added to NRS by 1973, 1702; A 1977, 920)

445.620 Power of commission to prescribe uniform emission standards for internal combustion engines.

1. The state environmental commission may by regulation prescribe standards for exhaust emissions, fuel evaporative emissions and visible smoke emissions from mobile internal combustion engines on the ground or in the air, including but not limited to aircraft, motor vehicles, snowmobiles and railroad locomotives.

2. Such regulations shall be uniform throughout the state.

(Added to NRS by 1973, 1702)

445.625 Information concerning emission control programs: Collection, interpretation, correlation; open to public.

1. The commission, in cooperation with the department of motor vehicles, shall adopt regulations which establish procedures for collecting, interpreting and correlating information concerning programs to control emissions from motor vehicles and any benefits which result from an inspection program.

2. All information received by the commission or the department is open to public inspection.

(Added to NRS by 1977, 919)

445.630 Commission regulations: Control of motor vehicle emissions; program of motor vehicle inspection and testing.

1. In any county having a population of 100,000 or more, the commission shall, in cooperation with the department of motor vehicles and any local air pollution control agency, adopt regulations for the control of motor vehicle emissions.

2. In counties having a population of less than 100,000, if the commission determines that it is feasible and practicable to implement a program of inspecting and testing motor vehicles and motor vehicle emission control systems, and if the implementation of such program is deemed necessary to achieve or maintain prescribed ambient air quality standards in areas of the state designated by the commission, the commission shall, in cooperation with the department of motor vehicles and any local air pollution control agency established under NRS 445.546 which has jurisdiction in a designated area, adopt regulations and transportation controls as may be necessary to implement such a program.

3. The regulations shall distinguish between light-duty and heavy-duty motor vehicles and may prescribe:

(a) Appropriate criteria and procedures for the approval, installation and use of motor vehicle pollution control devices; and

(b) Requirements for the proper maintenance of motor vehicle pollution control devices and motor vehicles.

4. The regulations shall establish:

(a) Requirements by which the department of motor vehicles shall license authorized stations to inspect, repair, adjust and install motor vehicle pollution control devices, including criteria by which any person may become qualified to inspect, repair, adjust and install such devices.

(b) Requirements by which the department of motor vehicles may license an owner or lessee of a fleet of three or more vehicles as a fleet station provided that such owner or lessee complies with the regulations of the commission. The fleet station shall only certify vehicles which constitute that fleet.

5. The commission shall consider, before adopting any regulation or establishing any criteria pursuant to paragraph (a) of subsection 3:

(a) The availability of devices adaptable to specific makes, models and years of motor vehicles.

(b) The effectiveness of such devices for reducing the emission of each type of air pollutant under conditions in this state.

(c) The capability of such devices for reducing any particular type or types of pollutants without significantly increasing the emission of any other type or types of pollutant.

(d) The capacity of any manufacturer to produce and distribute the particular device in such quantities and at such times as will meet the estimated needs in Nevada.

(e) The reasonableness of the retail cost of the device and the cost of its installation and maintenance over the life of the device and the motor vehicle.

(f) The ease of determining whether any such installed device is functioning properly.

6. Population is determined by using the last preceding national census of the Bureau of the Census of the United States Department of Commerce.

(Added to NRS by 1973, 1703; A 1977, 920)

445.632 Regulations of department of motor vehicles: Licensing of stations; manner of inspection; fee, bond, insurance; pamphlet for vehicle owners.

1. The department of motor vehicles shall adopt regulations which:

(a) Prescribe requirements for licensing authorized stations and fleet stations;

(b) Prescribe the manner in which the stations inspect motor vehicles and issue evidence of compliance;

(c) Provide for any fee, bond or insurance which is necessary to carry out the provisions of NRS 445.610 to 445.670, inclusive; and

(d) Provide for the issuance of a pamphlet for distribution to owners of motor vehicles. The pamphlet shall contain information explaining the reasons for and the methods of the inspections.

2. The department shall issue a copy of the regulations to each authorized station and to each fleet station.

(Added to NRS by 1977, 919)

445.634 Inspection of stations; grounds for suspension, revocation of station's license.

1. The department of motor vehicles shall establish procedures for inspecting the authorized stations and the fleet stations and may require a station to submit any material or document which is used by the station in its inspection program.

2. The department may suspend or revoke the license of a station if:

(a) The station is not complying with the provisions of NRS 445.610 to 445.670, inclusive; or

(b) The owner of the station refuses to furnish the department with the requested material or document.

(Added to NRS by 1977, 919)

445.635 Compulsory motor vehicle emission inspection program: When evidence of compliance required for certain used motor vehicles. The authority set forth in NRS 445.630 providing for a compulsory motor vehicle emission inspection program is limited as follows:

1. In areas where a program was put into effect before January 1, 1977:

(a) On or after July 1, 1977, and before July 1, 1979, only used motor vehicles being registered to a new owner or being registered for the first time are required to have evidence of compliance;

(b) On or after July 1, 1979, all used motor vehicles being registered or reregistered are required to have evidence of compliance.

2. In other areas where the commission puts a program into effect:

(a) On or after February 1, 1978, all used motor vehicles being registered to a new owner are required to have evidence of compliance.

(b) On or after September 1, 1978, only used motor vehicles being registered to a new owner or being registered for the first time in this state are required to have evidence of compliance.

(c) On or after July 1, 1979, all used motor vehicles being registered are required to have evidence of compliance.

(Added to NRS by 1975, 1408; A 1977, 921)

445.640 Evidence of emission control compliance prerequisite to transfer of used motor vehicle in certain areas.

1. Subject to any applicable limitation of NRS 445.610 to 445.670, inclusive, and any regulation adopted pursuant thereto, no used motor

vehicle as defined in NRS 482.132 may be registered in certain areas of this state as designated by the commission unless the application for registration is accompanied by evidence of emission control compliance issued by any authorized station or fleet station certifying that the vehicle is equipped with motor vehicle pollution control devices required by federal regulation or such other requirements as the commission may by regulation prescribe under the provisions of NRS 445.610 to 445.710, inclusive.

2. If the seller of a used vehicle is required, pursuant to the provisions of NRS 482.424, to complete a dealer's report of sale, such seller shall also provide the buyer with any evidence of emission control compliance required pursuant to subsection 1.

3. The requirements of this section apply only in counties where a program of inspecting and testing motor vehicles and motor vehicle emission control systems has been implemented pursuant to NRS 445.630.

(Added to NRS by 1973, 1703; A 1975, 1074, 1407; 1977, 921)

445.650 Exceptions to requirement of evidence of emission control compliance. The provisions of NRS 445.640 do not apply to:

1. Transfer of registration or ownership between:

(a) Husband and wife; or

(b) Companies whose principal business is leasing of vehicles, if there is no change in the lessee or operator of such vehicle; or

2. Motor vehicles which are subject to prorated registration pursuant to the provisions of NRS 706.801 to 706.861, inclusive, and which are not based in this state.

3. Transfer of registration if evidence of compliance was issued within 90 days before the transfer.

(Added to NRS by 1973, 1704; A 1977, 922)

445.660 State department of conservation and natural resources to provide assistance. In furtherance of the provisions of NRS 445.610 to 445.710, inclusive, and the enforcement thereof, the state department of conservation and natural resources shall consult with the department of motor vehicles and furnish them with technical information, including testing techniques, procedures for quality assurance and standards adopted by the commission and instruction for emission control features and equipment.

(Added to NRS by 1973, 1704; A 1973, 1406; 1977, 922, 1038, 1143)

445.670 Evidence of compliance prerequisite to registration of vehicle in certain areas; submission of evidence of compliance by owner, lessee of fleet of vehicles.

1. Except as provided in subsection 2, registration branch offices of the department of motor vehicles and county tax assessor offices, acting as department agents in the collection of registration fees, shall not register a vehicle which is based in areas of this state designated by the commission until evidence of compliance with NRS 445.610 to 445.710, inclusive, has been provided.

2. An owner or lessee of a fleet of three or more vehicles may, upon application to the department of motor vehicles, submit evidence of compliance for his motor vehicles in a manner determined by the department.
(Added to NRS by 1973, 1704; A 1977, 922)

445.680 Installation, inspection of motor vehicle pollution control device. Any person may install a motor vehicle pollution control device, but no person who is not employed by an authorized station or fleet station may install a device for compensation. No such device shall be deemed to meet the requirements of NRS 445.630 to 445.670, inclusive, or regulations of the commission or department unless it has been inspected in an authorized station or a fleet station and evidence of compliance has been issued by that station.
(Added to NRS by 1973, 1704; A 1977, 922)

445.690 Exemption of certain classes of motor vehicles; waiver from provisions of NRS 445.630 to 445.670, inclusive.

1. The commission may provide for exemption from the provisions of NRS 445.630 to 445.670, inclusive, of designated classes of motor vehicles, including classes based upon the year of manufacture of motor vehicles.

2. The commission shall provide for a waiver from the provisions of NRS 445.630 to 445.670, inclusive, if compliance involves repair and equipment costs which exceed the limits established by the commission. The commission shall establish the limits in a manner which avoids unnecessary financial hardship to motor vehicle owners.
(Added to NRS by 1973, 1704; A 1977, 923)

445.700 Fees: Amounts; collection and deposit; use of money; maximum inspection fees.

1. In areas of the state where and at such times as a program of implementation is commenced pursuant to NRS 445.630 to 445.670, inclusive, the following fees shall be paid to the department of motor vehicles and deposited in the state treasury:

(a) For the issuance and annual renewal of license for an authorized station or a fleet station	$25;
(b) For each set of 25 forms certifying emission control compliance	50;
(c) For each form issued to a fleet station	2.

2. All fees shall be deposited with the state treasurer and shall be held in trust as a credit to the department of motor vehicles to be withdrawn by that department as needed to carry out the provisions of NRS 445.610 to 445.710, inclusive.

3. The department of motor vehicles may prescribe by regulation routine inspection fees at the prevailing shop labor rate, including maximum charges for such fees, and for the posting of such fees in a conspicuous place at the authorized station.
(Added to NRS by 1973, 1704; A 1975, 315; 1977, 923)

Section 1. Chapter 481 of NRS is hereby amended by adding thereto a new section which shall read as follows:

1. There is hereby created, within the registration division of the department, a section known as the vehicle emission control section.

2. The director shall appoint, within the limits of legislative appropriations, vehicle emission control officers in the vehicle control section.

3. The duties of the vehicle emission control officers shall be to travel the state and:

(a) Act as agents and inspectors in the enforcement of the provisions of NRS 445.610 to 445.710, inclusive, chapter 482 of NRS and NRS 484.644 and 484.6441.

(b) Cooperate with personnel of the state environmental commission division of the state department of conservation and natural resources in all matters pertaining to vehicle emission control.

(c) Perform such other duties as may be imposed by the director.

4. Vehicle emission control officers shall have the powers of peace officers in carrying out their duties under this section but shall not be deemed police officers for purposes of chapter 286 of NRS.

Section 2. NRS 169.125 is hereby amended to read as follows:

169.125 "Peace officer" includes:

1. The bailiff of the supreme court and bailiffs of the district courts, justice's courts and municipal courts;

2. Sheriffs of counties and of metropolitan police departments and their deputies;

3. Constables;

4. Personnel of the Nevada highway patrol when exercising the police powers specified in NRS 481.150 and 481.180;

5. The inspector or field agents of the motor carrier division of the department of motor vehicles when exercising the police powers specified in NRS 481.049;

6. Members of and all inspectors employed by the public service commission of Nevada when exercising those enforcement powers conferred by chapters 704 to 706, inclusive, of NRS;

7. Marshals and policemen of cities and towns;

8. Parole and probation officers;

9. Special investigators employed by the office of any district attorney or the attorney general;

10. Arson investigators for fire departments specially designated by the appointing authority;

11. Members of the University of Nevada System police department;

12. The state fire marshal and his deputies;

13. The brand inspectors of the state department of agriculture when exercising the enforcement powers conferred in chapter 565 of NRS;

14. Arson investigators for the state forester firewarden specially designated by the appointing authority;

15. The deputy warden, correctional officers and other employees of the Nevada state prison when carrying out any duties prescribed by the warden of the Nevada state prison;

16. Nevada state park system employees designated by the administrator of the Nevada state park system in the state department of conservation and natural resources when exercising police powers specified in NRS 407.065;

17. Security officers employed by the board of trustees of any school district;

18. The executive, supervisory and investigative personnel of the Nevada gaming commission and the state gaming control board when exercising the enforcement powers specified in NRS 463.140;

19. The director, division chiefs, investigators, agents and other sworn personnel of the department of law enforcement assistance;

20. Field dealer inspectors of the vehicle compliance and enforcement section of the registration division of the department of motor vehicles when exercising the police powers specified in NRS 481.048;

21. Vehicle emission control officers of the vehicle emission control section of the registration division of the department of motor vehicles when exercising the police powers specified in section 1 of this act;

22. The personnel of the Nevada department of fish and game when exercising those enforcement powers conferred by Title 45 and chapter 488 of NRS; and

23. Security officers of the legislature of the State of Nevada when protecting the persons and property of the members of the legislature, staff of the legislature and personnel of the legislative counsel bureau.

Sec. 41. Chapter 484 of NRS is hereby amended by adding thereto the provisions set forth as sections 42 and 43 of this act.

Sec. 42. No person shall operate or leave standing on any highway any vehicle which is required by federal regulation to be equipped with a motor vehicle pollution control device unless such device is correctly installed and in operating condition. No person shall disconnect, alter or modify any such required device. The provisions of this section shall not apply to an alteration of modification found by the state board of environmental protection not to reduce the effectiveness of any required motor vehicle pollution control device.

Sec. 43. Violation of the provisions of section 42 of this act is a misdemeanor. Whenever any motor vehicle is found by any peace officer to be in violation of the provision of section 42 of this act, and a notice to appear or citation is issued, it may require that the person named therein shall produce in court proof that such vehicle or its equipment has been made to conform to the provision of section 42 of this act.

445.705 Unlawful acts. It is unlawful for any person to:

1. Possess any unauthorized evidence of compliance;
2. Make, issue or use any imitation or counterfeit evidence of compliance;
3. Willfully and knowingly fail to comply with the provisions of NRS 445.610 to 445.670, inclusive, or any regulation adopted by the department of motor vehicles; or
4. Issue evidence of compliance if he is not a licensed inspector of an authorized station or a fleet station.

(Added to NRS by 1977, 919)

445.710 Penalties.

1. A violation of any provision of NRS 445.610 to 445.710, inclusive, relating to motor vehicles, or any rule or regulation promulgated pursuant thereto relating to motor vehicles, is a misdemeanor. The provisions of NRS 445.610 to 445.710, inclusive, or any rule or regulation promulgated pursuant thereto, shall be enforced by any peace officer.
2. Satisfactory evidence that the motor vehicle or its equipment conforms to such provisions, rules or regulations, when supplied by the owner of such motor vehicle to the department of motor vehicles within 10 days after the issuance of a citation pursuant to subsection 1 may be accepted by the court as a complete or partial mitigation of the offense.

(Added to NRS by 1973, 1705)

DISTRICT BOARD OF HEALTH
OF
RENO - SPARKS - WASHOE COUNTY
NEVADA

AIR POLLUTION CONTROL
REGULATIONS

FEBRUARY 1, 1972

GENERAL PROVISIONS

010.000 DEFINITIONS:

Except as otherwise specifically provided in these Regulations and except where the context otherwise indicates, words used in these Regulations are defined as follows:

010.005 "Air Contaminant" means any substance or gas discharged into the atmosphere, but excluding uncombined water.

010.010 "Air Pollution" means the presence in the outdoor atmosphere of one or more air contaminants, or any combination thereof, in sufficient quantities and of such characteristics and duration, which are, or may tend to be, injurious to human health and welfare, plant or animal life, or property, or that interfere with the comfortable enjoyment of life or property or the conduct of business.

010.011 "Allowable Emissions" means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to enforceable permit conditions which limit the operating rate, hours of operation, or both) and the most stringent of the following:

A. Applicable standards as set forth in 40CFR, Parts 60 and 61;

B. The applicable State Implementation Plan limitation; or

C. The emission rate specified as a permit condition.

010.014 "Asphalt" includes any dark-brown to black cementatious material of which the main constituents are bitumens which occur naturally or as a residue of petroleum refining.

010.015 "Atmosphere" means the air that envelops or surrounds the earth and includes all spaces outside of buildings, stacks, or exterior ducts.

010.020 "Board of Health" means the District Board of Health of Reno, Sparks and Washoe County created pursuant to N.R.S. 439.370.

010.025 "BTU - British Thermal Unit" means the quantity of heat required to raise the temperature of one pound of water one degree fahrenheit at or near its point of maximum density (39.1 F).

010.028 "Cold cleaner" includes any batch loaded, non-boiling solvent degreaser.

010.030 "Combustion Contaminants" means particulate matter discharged into the atmosphere from the burning of any kind of material containing carbon in a free or combined state.

010.035 "Combustible Refuse" means any waste other than liquid and gases, which can be consumed by combustion.

010.040 "Commercial Fuel Oil" means a liquid or liquefiable petroleum product normally produced, manufactured, used or sold for the purpose of creating useful heat.

010.045 "Condensed Fumes" means minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcination or chemical reaction, when these processes create air borne particles.

010.050 "Control Equipment" means any equipment or contrivance or any combination thereof which has the function of controlling the emissions from a process, fuel-burning or refuse-burning equipment and thus reduces the creation of, or the emission of air contaminants into the atmosphere or both.

010.055 "Control Officer" means the person that has veen designated to enforce the Air Pollution Control Regulations.

010.057 "Conveyorized Degreaser" means any continuously loaded, conveyorized solvent degreaser, either boiling or non-boiling.

010.059 "Cut-back Asphalt" includes any asphalt which has been liquified by blending with petroleum solvents (diluents) or which has been produced directly from the distillation of petroleum.

010.060 "District Health Officer" means the person appointed by the District Board of Health to administer activities of the Washoe County District Health Department in matters directly pertaining to health, disease, sanitation, and other matters directly relating thereto.

010.065 "Dust" means minute solid particles released into the atmosphere by natural forces or by mechanical processes such as crushing, grinding, milling, drilling, demolishing, shoveling, conveying, covering, bagging, sweeping, land leveling, or any combination thereof.

010.070 "Emission" means the act of passing into the atmosphere an air contaminant or a gas stream which contains air contaminants; or the material so passed to the atmosphere.

010.071 "Freeboard Height" means:

A. For cold cleaning tanks, the distance from the top of the solvent or solvent drain to the top of the tank.

B. For vapor degreasing tanks, the distance from the solvent vapor - air interface to the top of the basic degreaser tank.

010.072 "Freeboard Ratio" means the freeboard height divided by the width of the degreaser.

010.075 "Fuel" means any form of combustible matter - solid, liquid, vapor or gas, excluding combustible refuse.

010.080 "Fuel Burning Equipment" means any device used for the burning of fuel for the primary purpose of producing heat or power by indirect heat transfer in which the products of combustion do not come into direct contact with any other materials.

010.085 "Garbage" means putrescible animal or vegetable waste.

010.090 "Gas" means matter which has no definite shape or volume.

010.091 "Gasoline" includes any petroleum distillate having a Reid vapor pressure of 4 pounds per square inch or greater.

010.095 "Health District" means a health district created pursuant to N.R.S. 439.370 and includes all the incorporated cities and unincorporated areas of Washoe County, Nevada.

010.100 "Hearing Board" means five members appointed by the Board of Health pursuant to N.R.S. to perform the functions set forth in the Nevada Revised Statutes and these Regulations.

010.105 "Incinerator" (a) Multiple-Chamber Incinerator is any article, machine, equipment, contrivance, structure or part of a structure used to dispose of combustible refuse by burning, consisting of three or more refactory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned. In addition, there shall be an approved auxiliary burner in the primary and secondary combustion chambers, and an approved flue gas washer on all new installations providing the nearest property line is within 100 feet of the incinerator. (b) Pathological Incinerator is any multiple chambered incinerator used to dispose of pathological wastes, wer garbage and other high moisture content materials and must incorporate solid hearth construction, with drying shelves for wet wastes and auxiliary heating units to insure temperatures of 1400 F to 1800 F, for not less than 0.3 seconds.

010.106 "Lowest Achievable Emission Rate" means, for any source, that rate of emission based on the following, whichever is the most stringent:

A. The most stringent emission limitation which is contained in the implementation plan for any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or

B. The most stringent emission limitation which is achieved in practice by such class or category of source.

"Lowest Achievable Emission Rate" as applied to a major modification, means the lowest achievable emission rate for the new and modified facilities within the source. In no event may the application of this term permit a proposed new or modified facility to emit any pollutant in excess of the amount allowed under the applicable New Source Performance Standards or National Emission Standards for Hazardous Air Pollutants.

010.107 "Major Emitting Facility or Major Stationary Source" means the following depending upon location:

A. Non-attainment areas:

Any stationary facility or source which directly emits, or has the potential to emit, 100 tons or more per year of any air pollutant (including any fugitive emissions).

010.108 "Major Modification" means any physical change, operational change or addition to a stationary source which increases the potential emission rate of any air pollutant (including any pollutant not previously emitted and taking into account any accumulated increases in potential emissions occurring at the source since the time of the last construction approval issued to the source pursuant to these regulations, and regardless of any emission reductions achieved elsewhere in the source) over the following amounts:

A. 100 tons or more per year for attainment pollutants emitted from any source category identified in Section 010.107 (I) of these regulations;

B. 250 tons or more per year for attainment pollutants emitted from any other type of source; or

C. 100 tons or more per year of any non-attainment pollutant.

010.110 "Mist" means a suspension of any finely divided liquid in any gas or in the atmosphere.

010.115 "Mobile Equipment" means a vehicle that is movable under its own power such as an automobile, truck, bus, locomotive, motorcycle, motor-bus, etc.

010.116 "Non Attainment Area" for any air pollutant means an area which is shown by air monitoring data or which is calculated by air quality modeling (or other methods determined by the Control Officer to be reliable) to exceed any national ambient air quality standard.

010.117 "Non Attainment Pollutant" means any pollutant which causes an area to be designated as a non-attainment area and which is either being emitted in a non-attainment area or has a significant ambient impact on a non-attainment area.

010.120 "Nuisance" means anything which is injurious to health, or indecent and offensive to the senses, or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

010.125 "Odor" means that property of an air contaminant that affects the sense of smell.

010.130 "Opacity" means that property of a substance tending to obscure vision and is measured in terms of percent obscuration.

The relationship between opacity and Ringelmann number is:

Ringelmann No.	Opacity %
1	20%
2	40%
3	60%
4	80%
5	100%

010.135 "Open Fire" means burning of any combustible refuse wherein the products of combustion are discharged directly into the atmosphere without passing through a stack or chimney.

010.136 "Open Top Vapor Degreaser" means any batch loaded, boiling solvent degreaser.

010.140 "Particulate Matter" means any material, except uncombined water, that exists in a finely divided form as a liquid or solid.

010.145 "Pathological Waste" means human and animal remains, consisting of carcasses, organ and solid organic wastes from hospitals, laboratories, abottoirs, animal pounds and similar sources.

010.148 "Penetrating Prime Coat" means any low-viscosity liquid asphalt which may be applied to an absorbent surface to prepare it for paving with an asphalt concrete.

010.149 "Penetrating Seal Coat" includes any low-viscosity liquid asphalt which may be applied to a new road surface in order to seal it against water penetration or which may be applied to an old road surface to renew flexibility lost due to aging.

010.150 "Person" means any individual, firm, association, organization, partnership, business trust, public or private corporation, company, department or bureau of the state, municipality or any officer, agent or employee thereof, or any other legal entity whatsoever which is recognized by the law as the subject of rights and duties.

010.151 "Potential to Emit" means the maximum capacity to emit a pollutant in the absence of any air pollution control equipment. Air pollution control equipment includes control equipment which is not, aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation. Annual potential to emit shall be based on the maximum annual rated capacity of the source unless the source is subject to enforceable permit conditions which limit the operating rate, hours of operation, or both. Enforceable permit conditions on the type or amount of materials burned or processed may be used in determining the potential emission rate of a source.

010.155 "Process Weight" means total weight of all materials introduced into any specific process, which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not.

010.160 "Process Weight Rate" means the total process weight divided by the number of hours in one complete operation from the beginning of any given process to the completion thereof, excluding any time during which the equipment is idle.

010.165 "Ringelmann Chart" means the chart published by the U.S. Bureau of Mines on which are illustrated graduate shades of grey or black for the use in estimating the light obscuring capacity of smoke.

010.166 "Significant Ambient Impact" means an increase in the ambient concentrations of non-attainment pollutants in a non-attainment area which is equal to or greater than the following amounts:

Pollutant	Averaging Time				
	Annual	24-Hour	8-Hour	3-Hour	1-Hour
SO_2	1.0 ug/m^3	5 ug/m^3	- - -	25 ug/m^3	- - -
TSP	1.0 " " "	5 " " "	- - -	- - -	- - -
NO_2	1.0 " " "	- - -	- - -	- - -	- - -
CO	- - -	- - -	0.5 mg/m^3	- - -	2 mg/m^3

No significant levels are applicable for hydrocarbons or photochemical oxidants.

010.170 "Smoke" means small gas-borne particles resulting from incomplete combustion, consisting predominantly of carbon, ash, and other combustible material present in sufficient quantity to be observable or, as a suspension in gas of solid particles in sufficient quantity to be observable.

010.175 "Source" means any physical arrangement, condition, or structure which may emit air contaminants.

010.1751 "Source Registration" means any source that emits air contaminants and is required to be registered. Such sources are of the following general categories:

A. Any fuel burning equipment capable of producing 2 million British thermal units of heat input per hour, either singly or in the aggregate;

B. Incinerators;

C. Stationary storage tanks with more than 40,000 gallons capacity for petroleum products have a Reid vapor pressure of 1.5 pounds per square inch or greater;

D. Processes or process equipment capable of processing 50 pounds or more of material per hour;

E. Hazardous material processes regardless of extent of emissions;

F. Dry cleaning plants;

G. Degreasing operations; and

H. Spray paint booths.

010.180 "Stack or Chimney" means any flue, conduit, or duct arranged to conduct an effluent to the open air.

010.185 "Standard Conditions" means when applied to gases, a gas temperature of 60 degrees fahrenheit and a gas pressure of 14.7 pounds per square inch absolute.

010.197 "Volatile Organic Compound" includes any carbon compound except carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, ammonium carbonate, or methane which has a vapor.

020.005 BOARD OF HEALTH - POWERS AND DUTIES

The Board of Health shall:

A. Adopt rules and regulations or amend existing rules and regulations, to reduce the release into the atmosphere of air contaminants originating within the territorial limits of the Health District in order to control air pollution.

B. Make such determinations and issue such orders as may be necessary to implement the provisions of these standards.

C. Establish ambient air quality standards.

D. Institute proceedings to prevent continued violations of any order issued by the Board of Health, Hearing Board, or Control Officer and to enforce these Regulations.

E. Require access to records relating to emissions which cause or contribute to air pollution.

F. Apply for and receive grants or other funds or gifts from public or private agencies.

G. Cooperate and contract with other governmental agencies, including state and Federal Government.

H. Conduct investigations, research and technical studies consistent with the general purposes of the Nevada Revised Statutes.

I. Establish such emission control requirements as may be necessary to prevent, abate, or control air pollution.

J. Require the registration of air pollution sources together with a description of the processes employed, fuels used, nature of emissions and other information considered necessary to evaluate the pollution potential of a source.

K. Prohibit, regulate, or control as specifically provided in Chapters 030.005 through 030.020, the installation, alteration or establishment or any equipment, device or other article capable of causing air pollution.

L. Issue or deny all variance petitions after due consideration of the recommendation of the Hearing Board.

M. Require the submission of preliminary plans and specifications and other information as the Board deems necessary to process permits.

N. Enter into and inspect at any reasonable time any premise containing an air contaminant source or a source under construction for purposes of ascertaining the state of compliance with these regulations.

O. Hold hearings for purposes of implementing these Regulations.

P. Review recommendations of the Hearing Board and take such additional evidence as the Board of Health deems necessary or remand to the Hearing Board for such evidence as the Board of Health may direct.

Q. Require elimination of devices or practices which cannot be reasonably allowed without generation of undue amounts of air contaminants.

S. Specify the manner in which incinerators may be constructed and operated.

T. Delegate all powers except subchapter A, C, F, O and R to the Control Officer or his representatives as may be necessary to implement these regulations.

U. Appoint by resolution of the Board of Health an Air Pollution Control Hearing Board consisting of five (5) members who are not employees of the State or any political subdivision of the State. One (1) member of the Hearing Board shall be an attorney admitted to practice law in Nevada, and one (1) member shall be a professional engineer registered in Nevada.

V. Institute in a court of competent jurisdiction legal proceeding to compel compliance with these Regulations and the Nevada Statutes pertaining to the emission of air contaminants into the atmosphere within the territorial limits of the Health District.

MODIFICATIONS OF ACTIONS

The Board of Health may in granting a variance impose appropriate conditions upon an applicant and may revoke the variance for failure to comply.

Board Actions

Upon making the determinations required by Chapter 020.030 the Board of Health may issue a cease and desist order. The order may be conditional and require a person to refrain from the particular act, unless certain conditions are met. However, no order of the Board of Health shall restrict or otherwise limit the type of design of equipment to be used in reducing the release of air contaminants, except equipment used to dispose of combustible refuse.

All decisions of the Board of Health shall become effective not less than thirty (30) days after they are issued, unless:

A. A rehearing is granted, which will have the effect of staying the decisions.

B. It is determined that an emergency exists which justifies an earlier effective date.

020.010 INJUNCTIVE RELIEF

Upon the failure or refusal of a person to comply with a cease and desist order of the Board of Health, an action may be filed in the Second Judicial District Court of the State of Nevada to restrain and enjoin the persons from engaging in further acts violating such order.

020.015 JUDICIAL REVIEW

Any person aggrieved by a decision of the District Board of Health, pursuant to Chapters 010.000 through 040.074 inclusive and Chapters 050.015 through 050.025 inclusive, or the Hearing Board, pursuant to Chapters 060.005 through 060.060, may petition the Second Judicial District Court for review. The review shall be trial de novo.

If such person wishes to petition the Second Judicial Court in the manner prescribed herein, he shall submit a written notice of his intent to petition said District Court to the District Health Officer within thirty (30) days after the decision of either the District Board of Health or the Hearing Board has been filed with said District Health Officer.

020.020 ADOPTION, AMENDING REGULATIONS

Before the adoption or amendment of any regulation, the Board of Health shall hold a public hearing. Any changes in the fee schedule will be at the discretion of the Board of Health and not subject to a public hearing. Notice of said hearing shall be given in any newspapers, qualified pursuant to the provisions of Chapter 23B of NRS, once a week for three (3) weeks, which notice shall specify with particularity the reasons and provide other informative details.

020.025 CONTROL OFFICER - POWERS AND DUTIES

The Control Officer, or his designated agent, shall enforce and have the power and authority in his name, or in the name of the Board of Health, to enforce the provisions of these Regulations and the policies of the Board of Health in relation thereto: to issue a Notice of Violation or Citation if he has reasonable cause to believe that a person is violating these Regulations; to issue a warning and give any violator an opportunity to correct the cause of the violation before the filing of a formal complaint, or, in the event the Control Officer has served upon the violator a Notice of Violation and said violator has not corrected the violation within a reasonable time, to request the District Attorney or other proper agency, person or prosecuting authority in Washoe County to institute a criminal action against the violator, or request the Board of Health to institute abatement proceedings against said violator.

The Control Officer at any reasonable time may require from any person such information or analyses as will disclose the nature, extent, quantity, or degree of air contaminants which are or may be discharged by any source of such air contaminants, and type or nature of control equipment in use, and may require that such disclosures by certified by a professional engineer registered in the State. In addition to such report, the Control Officer may designate an authorized agent to make an independent study and report as to the nature, extent, quantity, and degree of any air contaminants which are or may be discharged from the source. An authorized agent so designated is authorized to inspect any article, machine, equipment, or other contrivance necessary to make the inspection and report.

The Control Officer may require any person responsible for emission of air contaminants to make or have made tests to determine the emission of air contaminants from any source, whenever the Control Officer has reason to believe that an emission in excess of that allowed by the Air Pollution Regulations is occurring. The Control Officer may specify testing methods to be used in accordance with good professional practice. The Control Officer may observe the testing. All tests shall be conducted by reputable, qualified personnel. The Control Officer shall be given a copy of the test results in writing and signed by the person responsible for the tests.

The Control Officer may conduct tests of emissions of air contaminants from any source. Upon request of the Control Officer the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and scaffolding and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.

020.030 HEARING BOARD - POWERS AND DUTIES

Members and Term

Members of the first Hearing Board shall serve the following terms: Two shall be appointed for a term of one (1) year; two shall be appointed for a term of two (2) years; and one (1) shall be appointed for a term of three (3) years. Each member appointed to succeed the members first appointed upon the expiration of the above described terms shall serve for a term of three (3) years.

Officers

The Hearing Board shall select a Chairman, Vice-Chairman and such other officers as it deems necessary, and subject to the approval of the Board of Health, may adopt a manual of procedures to govern its operation.

Petitions

A. Any person aggrieved by:

   1. The issuance, denial, renewal, suspension or revocation of an operating permit; or

   2. The issuance, modification or rescission of any other order, by the Control Officer may appeal to the Hearing Board.

B. Each petition prior to filing shall include such information as the Control Officer or the Chairman of the Hearing Board deems necessary to facilitate the equitable and speedy determination of the matter to be presented to the Hearing Board. In addition to other matters required by this chapter, petitions for variances shall state briefly:

   1. The chapter or order in question.

2. The facts showing why compliance with this chapter or order is unreasonable.

3. For what period of time the variance is sought and why.

4. The damage or harm resulting, or which would result, to the petitioner from compliance with such chapter or order.

5. The requirement which the petitioner can meet and the date when the petitioner can comply with such requirements.

6. The advantages and disadvantages to the residents of the district resulting from requiring compliance or resulting from granting a variance.

7. Whether or not the subject equipment or process is registered with the Control Officer.

C. The Hearing Board shall decide the appeal, and may recommend the affirmance, modification or reversal of any action taken by the Control Officer which is the subject of the appeal.

D. The Hearing Board shall provide by rule for the time and manner in which appeals are to be taken to the Board of Health.

E. Any decision or order of the Board of Health may be appealed as provided in Chapter 020.015 of these regulations.

F. If the variance is recommended on the ground that is is justified to relieve or prevent hardship, it shall be for not more than six months.

Meetings

The Hearing Board shall meet within thirty (30) days after receipt of a request by the Board of Health, the Control Officer, a petitioner pursuant to Chapter 020.030 or on its own initiative.

Subpoenas

The Chairman of the Hearing Board may issue subpoenas to compel attendance of any person at a hearing and may require the production of books, records and other documents and materials at a hearing, administer oaths and examine witnesses.

Majority and Decisions

A majority of the total membership must concur in all decisions of the Hearing Board and all decisions shall be in writing and of public record. All decisions and recommendations along with the transcripts and evidence of each hearing shall be transmitted to the District Board of Health so that they may reach a final decision.

020.035 VIOLATION OF REGULATIONS

Whenever the Control Officer, or his designee, believes that a Regulation for the prevention, abatement or control of air pollution has been violated, he shall cite or cause written notice to be served upon the person or persons responsible for the alleged violation either by registered or certified mail or personally.

020.040 NOTICE OF VIOLATION

The Notice of Violation shall specify:

A. The regulation alleged to be violated; and

B. the facts alleged to constitute the violation.

The notice may include an order to take corrective action within a reasonable time, which may be specified. Such an order becomes final unless, within 10 days after service of the notice, a person named in the order requests a hearing before the Hearing Noard.

Without the issuance of an order pursuant to the above paragraph, or if corrective action is not taken within the time specified:

A. The Control Officer may notify the person or persons responsible for the alleged violation to appear before the Hearing Board.

B. The Control Officer may refer the case to the District Attorney's Office for misdemeanor prosecution.

C. The District Board of Health may initiate proceedings for recovery of the appropriate penalty, as per Chapter 020.050.

020.045 CITATION

The Citation shall specify:

A. The regulation alleged to be violated.

B. The facts alleged to constitute the violation.

C. The time and place alleged violator shall appear before the Justice of the Peace.

Appearance before the Justice of the Peace shall terminate with a fine being imposed or a trial date and bail being set. If the plea is not guilty the District Attorney's Office shall prepare a formal criminal complaint. If the alleged violator fails to appear at the scheduled time and place the Justice of the Peace may issue a bench warrant or the District Attorney's Office may file a criminal complaint followed by the service of a subpoena by the Washoe County Sheriff's Office.

020.050 ADMINISTRATIVE FINES

A. Any person found by the District Board of Health to have violated any provision of these Regulations, other than Chapters 020.065, 050.005 and 050.010, shall pay an administrative fine determined and levied by the District Board of Health in an amount not to exceed $5000.00 for each offense.

B. For the purposes of levying an administrative fine, each day of violation of any provision of these Regulations shall constitute a separate offense.

C. Prior to levying an administrative fine for each violation of any provision of these Regulations, the District Board of Health shall first consider the facts and/or evidence establishing such violation by one or more of the following methods:

1. Hearing and receiving evidence of such violation from the Control Officer if the person responsible has not appeared at or requested a hearing before the Hearing Board.

2. Reviewing and receiving evidence of such violation as contained in the transcript or record of proceedings before the Hearing Board, at which proceeding evidence of such violation was presented to said Hearing Board. If the Board of Health, after reviewing the recommendation of the Hearing Board, decides to receive additional evidence or remand the case to the Hearing Board to receive and record additional evidence, the same considerations for taking and receiving evidence as are contained in these Regulations shall apply on any such rehearing.

3. Hearing and receiving evidence of such violation from any person, public official, or representative of the District Board of Health, provided the person charged with committing such violation shall be provided an opportunity to present evidence in his defense before said Board, after being given reasonable notice, not less than seven days, of the hearing of the charges against him.

D. For the purpose of determining whether or not a violation of these Regulations has occurred, the District Board of Health shall base its decision on evidence commonly relied upon by reasonable and prudent men in the conduct of their affairs. Irrelevant, immaterial or unduly repetitious evidence may be excluded. Documentary evidence may be received in the form of authenticated copies or excerpts, if the original is not readily available, and on request, an aggrieved party shall be given an opportunity to compare the copy with the original if such is available. Each party may call and examine witnesses, introduce exhibits, cross-examine opposing witnesses on any matter relevant to the issues even though its matter was not covered in the direct examination, and impeach any witness regardless of which party first was called into testify, and rebut the evidence against him. The District Board of Health may take notice of judicially cognizable facts and generally recognized technical or scientific facts within said Board's specialized knowledge.

All decisions of the District Board of Health respecting administrative fines shall be in writing or stated in the official minutes of said Board, and a proper notice of such decision shall be forwarded to the aggrieved party at his last known mailing address.

E. The Board of Health shall levy administrative fines, as provided for in these Regulations, in accordance with the following schedule:

1. First violation;

    (a) Chapters 040.035 and 040.040 (by individual resident) ... $25.00.

    (b) Chapters 040.005 and 040.030 (for incinerators and fugitive dust) ... $50.00.

    (c) Chapters 040.010, 040.015 and 040.020 (for stack emissions and process weight) ... $100.00.

    (d) Chapter 030.010 (Permit to Operate) ... $100.00.

    (e) Chapters 050.015 through 050.025 (Mobile Equipment and Emissions) ... $25.00.

2. Second violation within 365 day period;

    (a) Fine levied will be double the amount of first violation.

3. Third violation within 365 day period;

    (a) Fine levied will be double the amount of the second violation.

4. In the case of four or more violations in any 365 day period, the fine may be that which is deemed appropriate by the Board of Health in an amount not to exceed $5000.00 for such offense.

F. Any person aggrieved by an order issued pursuant to this chapter is entitled to judicial review as provided in Chapter 020.015 of these Regulations.

G. Nothing contained in Chapter 020.050 of these Regulations shall be construed as limiting the authority of the Board of Health to take other appropriate remedies as are provided in these Regulations.

H. Increased fines for second, third or fourth violations involving mobile equipment or stationary sources must be concerned with the same equipment or source and not total violations received by a person.

020.055 INJUNCTIVE RELIEF

In addition to any remedy at law hereunder, the Control Officer may apply to a court of competent jurisdiction for any other equitable and injunctive relief to enforce compliance with, or to restrain violation of any provision of these Regulations, or to any regulation or rule made and adopted pursuant thereto.

020.060 INTERFERENCE WITH PERFORMANCE OF DUTY

It shall be unlawful for any person to interfere or impede the Control Officer or his designee in the performance of his duty in his investigation of a suspected air pollution violation, or refuse to permit him to perform this duty by refusing entrance to the premises or property.

020.065 RECORDS AND INFORMATION - (See end of Regulations for promulgation of "Public Availability of Data".)

020.070 SAMPLING AND TESTING

The Control Officer or Board of Health may require any person to conduct, or have conducted, testing to determine compliance with these Regulations. The Control Officer may, at his option, witness such tests. All information gathered during a testing operation will be provided to both parties.

Testing to determine the quantity of emissions shall be undertaken by generally recognized methods of measurement, and at such a point or points as to represent the actual discharge into the atmosphere; except that these may be modified or adjusted by the Control Officer to suit specific sampling conditions or needs based upon good practice, judgment and experience.

The costs of tests shall be paid by the owner or person using such installation. The Control Officer may conduct separate or additional tests of an installation on behalf of the District at the District's expense. Sampling holes, safe scaffolding and pertinent allied facilities, but not instruments and sensing devices, as needed shall be requested in writing by the Control Officer and provided by and at the expense of the owner of the installation at such points as the Control Officer requests.

The owner or user of such property shall provide a suitable power source to the point of testing so that sampling instruments can be operated as required.

Any results or information obtained will be treated as confidential according to Chapter 020.065 of these regulations.

020.075 TECHNICAL REPORTS AND FEES

Information, circulars, reports or technical work, and other reports prepared by the Control Officer when supplied to other governmental agencies or individuals or groups requesting copies of the same be charged for by the Control Officer in a sum not to exceed the cost of preparation and distribution of such documents.

All such monies collected shall be deposited in the office of the County Treasurer to the credit of the general fund.

020.080 CIRCUMVENTION

It is unlawful for any person to build, erect, install, or use, or cause to be built, erected, installed or used, any article, machine, equipment or other contrivance, the use of which without resulting in a reduction in the total release of air contaminants into the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of Regulations concerning air pollution as adopted by the District Board of Health. This Chapter shall not apply to the cases in which the only violation is of Chapter 040.055 of these Regulations.

020.085 UPSET, BREAKDOWN OR SCHEDULED MAINTENANCE

Operation of any plant or equipment so as to cause emissions of air contaminants in excess of limits set by these Regulations, which is a direct result of upset conditions or breakdown or is a direct result of the shutdown of such equipment for scheduled maintenance, is not a violation of these Regulations, provided;

A. The occurrence, and expected duration, has been reported to the Control Officer at least twenty-four (24) hours before any scheduled maintenance, and the scheduled maintenance is performed where possible during times specified by the Control Officer as favorable for atmospheric ventilation, or;

B. The occurrence has been reported to the Control Officer as soon as reasonable possible in the case of an upset breakdown, but in no case more than two (2) hours after the occurrence; and

C. Repairs are made with maximum reasonable effort, including use of off-shift labor, overtime, or work periods of non-operation; and

D. In the event of emission of air contaminants of a nature or in quantities which would endanger public health or safety, such emission is stopped entirely or reduced to harmless levels as soon as possible; and

E. Upsets or breakdowns do not occur with such frequency that careless, marginal, or unsafe operation is indicated.

020.090 REGISTRATION OF SOURCES

Registration Requirements

Except as provided in subchapter 020.090 (exceptions), any person who causes, lets, permits, suffers or allows the emission of air contaminants, whether or not limits are established by these Regulations for emissions of such contaminants, shall file with the Control Officer, on forms provided by him, the following information:

A. Location of the source;

B. Size and height of outlets;

C. The process employed;

D. The fuel or fuels used;

E. The nature, rate and duration of emissions; and

F. Any information relevant to possible air pollution as specified by the Control Officer.

Date of Registration

Emission sources existing on the date these Regulations become effective, shall within 30 days thereafter request registration forms from the Control Officer and within 30 days from receipt of such forms, return the completed forms to the Control Officer.

Change in Status

Each person subject to these regulations shall maintain such registration in current status by registering with the Control Officer if any substantial change is made affecting the information on file furnished in compliance with these Regulations.

Exceptions

The following sources of emission of air contaminants shall be exempt from the registration provisions of this Chapter:

A. Internal combustion engines installed in mobile equipment units, or any engine used solely as a standby source of motor power.

B. Aircraft not otherwise included under above subchapter A.

C. Natural gas fired or liquefied petroleum gas fired or oil fired equipment (burning No. 1 and No. 2 fuel oil) furnaces, water heaters or steam generators, having not over 350,000 B.T.U.'s per hour total input.

020.095 SEVERABILITY

If any provision of these regulations or the application thereof to any person or circumstance is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of these Regulations which can be given effect without the invalid provision or application, and to this end the provisions of these regulations are declared to be severable.

SOURCE REGISTRATION AND OPERATION

030.000 SOURCES - GENERAL

It is unlawful for any person to:

A. Construct any new stationary sources;

B. Make any major modifications to any existing stationary source; or

C. Operate any new or existing stationary source, within the meaning of these regulations without first submitting a registration application to the Control Officer and obtaining an Authorization to Construct, a Permit To Operate or both such Authorization and Permit.

030.005 No local government authority within the Health District may issue a building permit to any person who wishes to operate, construct, establish, or relocate or modify any stationary source which requires an Authority to Construct or Permit to Operate until the Authority to Construct or Permit to Operate has been issued by the Control Officer.

030.010 The Control Officer shall not issue an Authority to Construct or Permit to Operate if the registration application, engineer data or any other documentation submitted by the applicant shows, or the Control Officer determines, that the source:

A. Cannot meet the requirements of, or be operated in compliance with, Federal, State or local regulations;

B. Will prevent the attainment or maintenance of State or National Ambient Air Standards; or

C. Will cause a violation of the approved State Implementation Plan.

030.015 When assessing a major stationary source, the Control Officer shall publish, in a newspaper of general circulation, the public availability of his analysis and his intent to issue or deny an Authority to Construct or Permit to Operate. The notice shall solicit public comment for a 30 day period.

030.025 REGISTRATION APPLICATION

A. Application for registration shall be made on forms furnished by the Control Officer.

B. A separate application is required for each source. One registration is sufficient for those sources requiring both an Authority to Construct and a Permit to Operate.

C. Each application must contain, as a minimum:

1. Name and address of business;
2. Nature of Business;
3. Name of contact person;
4. Site information, including flow diagrams, description of site, and all emission points;
5. Nature and quantity of emissions on an hourly, daily, or annual basis;
6. Facilities or process equipment to be constructed or modified and the control equipment or control measures to be utilized;
7. Operating times, temperatures, fuels or other pertinent information;
8. Such other information or documentation requested by the Control Officer as necessary to determine compliance with all requirements and standards;
9. Signature of a responsible person of the firm or business; and
10. A $10.00 plan review fee.

The information shall be sufficient in scope to enable the Control Officer to make any determination pursuant to the requirements of Section 030.010 of these regulations.

D. Operators of new or existing single sources emitting 50 tons or more of total contaminants per year shall:

   1. Submit a plan for curtailment of operations in the event that ambient levels of contaminants approach or reach those stated in the Emergency Episode Plan (Sections 060.005 et. seq. of these regulations);

   2. Keep accurate records concerning emissions and make such records available to the Control Officer upon request.

E. In case of a dispute, the Control Officer may require that the application and reports be certified by a licensed professional engineer as to the accuracy of the technical information concerning equipment of the applicant shall be given under oath or upon information and belief that statements made in the application are truthful, accurate or correct.

F. Any change or alteration to the plans, equipment or process affecting the emissions from any new or existing source shall be reported to the Control Officer and shall be approved prior to implementation.

030.030 The acceptance of a Registration Application or the issuance of an Authority to Construct by the Control Officer does not constitute acceptance or approval of the operation of any article, machine, equipment, facility, property or process listed on the application. Not until all requirements are met and until the Control Officer ascertains that the actual operation is in compliance with all applicable Federal, State and Local standards and emission limitations will be source be deemed approvable and a Permit to Operate be issued.

030.110 New equipment or changes in processes capable of becoming a new source of air pollution or increasing present emission levels must be provided with the control capability necessary to meet all emission standards and requirements specified in these Regulations and any additional requirements specified by the Control Officer in issuing the Authority to Construct or Permit to operate.

030.115 Before issuance of an Authority to Construct, an applicant for any new major stationary source or major modification shall conduct such continuous ambient air quality monitoring and air quality modeling as the Control Officer deems necessary to determine the effect which emissions from the source or modification may have on air quality in any area which may be affected by such emissions.

A. The applicant must also demonstrate the following, depending upon the nature of the pollutants:

   1. The source or modification must not cause or contribute to a violation of any national or state ambient air quality standards;

   2. The source or modification must not cause a significant ambient impact on any non-attainment area. If the source does cause significant ambient impact on a non-attainment area, the provisions of Part B below shall apply to such source.

B. Requirements for non-attainment pollutants:

   1. The source or modification must comply with the lowest achievable emission rate for such type of source;

   2. By the time the source or modification is to commence operation, total allowable emissions from existing sources in the region, and from the proposed source, must be less than the total emissions from existing sources before commencement of operation;

   3. The owner or operator of the source or modification shall demonstrate that all major stationary sources owned or operated by him in the State which are subject to emission limitations are in compliance, with all applicable emission limitations and standards;

   4. For major sources of non-methane hydrocarbons or carbon monoxide, an analysis must be performed of at least two alternate sites and of all feasible alternative sizes for the facility, production processes, and environmental control techniques. This analysis must demonstrate that the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification.

Since major facility definition and requirements vary depending upon State and EPA area designations, a map (Appendage 2) is included to facilitate the determination of which requirements must be met.

030.120 If at any time prior to issuing a Permit to Operate the Control Officer determines that the proposed construction, installation, or alternation or establishment of the source:

A. Will not be in accordance with the provisions of the plans, specifications and other design criteria submitted with the Registration Application; or

B. Is being done before receiving an Authority to Construct;

It shall be considered a violation of these regulations and, in addition to a Notice of Violation the Control Officer may issue a Stop Work Order prohibiting the construction, installation or alteration or establishment of the source.

030.1201 A person served with a Stop Work Order shall immediately stop all activities specified in the Stop Work Order. Service of the Stop Work Order shall be done in the manner outlined in Section 020.030.

030.200 PERMIT TO OPERATE

030.205 A person shall not cause, suffer or allow the operation of any equipment or process requiring a Registration Application, except those specifically exempted by these Regulations, without a valid permit therefore issued by the Control Officer.

030.210 A Permit to Operate will be issued when the Control Officer determines:

A. All registration requirements have been fulfilled;

B. The source can be operated in compliance with all local, State and Federal regulations;

C. The source will not interfere with the attainment or maintenance of the Ambient Air Quality Standards; and

D. The proper fees have been paid.

030.215 Nothing contained herein exempts any person in control of or responsible for any article, machine, structure or process for which a Permit to Operate has been issued pursuant to these Regulations from the responsibility of complying with the Regulations, with all applicable control strategies contained in the approved State Implementation Plan which limit, either directly or indirectly, the emission of air contaminants into the atmosphere and with all National, State and local Ambient Air Quality Standards.

030.245 A Permit to Operate is not transferable, by operation of law or otherwise, from one location to another, or from one piece of equipment or process to another but may be transferred from one person to another upon approval of the Control Officer and payment of $10.00 transfer fee. The new permit holder is entitled to use the permit until expiration at no further cost. It is unlawful to deface, alter, forge, counterfeit, or falsify any Permit to Operate issued by the Control Officer.

030.250 Permits to Operate are subject to suspension or revocation for violation of these Regulations. If the Control Officer determines that a permittee is in violation, or has had two or more written violations in a 365 day period, he may serve upon the permittee, at the address given on the Registration Application, through personal service or certified mail, a Notice of Suspension or Revocation of a Permit to Operate, setting forth in detail the violations charged. The suspension or revocation becomes final and effective 10 days after service of the written notice and the Permit to Operate shall thereupon be surrendered to the Control Officer unless the permittee files with the Hearing Board, in writing, within 10 days of receipt of the notice of suspension or revocation, an appeal from the action of the Control Officer.

PROHIBITED EMISSIONS

040.005 VISIBLE AIR CONTAMINANTS

Except as otherwise provided, it is unlawful for any person to discharge, or cause to be discharged, into the atmosphere from any single source of emission whatsoever, any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour, which is:

A. As dark or darker in shade as that designated as No. 1 on the Ringelmann Chart; or

B. Of any opacity equal to or greater than air contaminant designated No. 1 on the Ringelman Chart.

Where the presence of uncombined water is the only reason for failure of an emission to meet the above limitations, they shall not apply. The burden of proof which established the application of this paragraph shall be upon the person seeking to come within its provisions.

040.010 PARTICULATE MATTER

Except as otherwise provided in Chapter 040.020 and Chapter 040.030, it is unlawful for any person to discharge or cause to be discharged, into the atmosphere from any source, particulate matter in excess of 0.15 grains per cubic foot of gas at standard conditions.

040.015 SPECIFIC CONTAMINANTS

It is unlawful for any person to discharge, or cause to be discharged, into the atmosphere any one or more of the following contaminants, in any state or combination thereof, exceeding in concentration at the point of discharge:

A. Sulfur compounds calculated as sulfur dioxide (SO_2): 0.2 percent, by volume.

B. Combustion contaminants: 0.15 grains per cubic foot of gas calculated to 12 percent of carbon dioxide (CO_2) at standard condition. In measuring the combustion contaminants from incinerators used to dispose of combustile refuse by burning, the carbon dioxide produced by combustion of any liquid or gaseous fuels shall be excluded from the calculation to 12 percent of carbon dioxide.

040.020 DUST AND FUMES

It is unlawful for any person to discharge, or cause to be discharged, in any one (1) hour from any source whatsoever, dust or fumes in total quantities in excess of the amount shown in the following table:

Process Wt/hr (lbs)	Maximum Weight Disch/hr (lbs)	Process Wt/hr (lbs)	Maximum Weight Disch/hr (lbs)
50	.24	3400	5.44
100	.46	3500	5.55
150	.66	3600	5.61
200	.852	3700	5.69
250	1.03	3800	5.77
300	1.20	3900	5.85
350	1.35	4000	5.93
400	1.50	4100	6.01
450	1.63	4200	6.08
500	1.77	4300	6.15
550	1.89	4400	6.22
600	2.01	4500	6.30
650	9.12	4600	6.37
700	2.24	4700	6.45
750	2.34	4800	6.52
800	2.43	4900	6.60
850	2.53	5000	6.67
900	2.62	5500	7.03
950	2.72	6000	7.37
1000	2.80	6500	7.71
1100	2.97	7000	8.05
1200	3.12	7500	8.39
1300	3.26	8000	8.71
1400	3.40	8500	9.03
1500	3.54	9000	9.36
1600	3.66	9500	9.67
1700	3.79	10000	10.0
1800	3.91	11000	10.63
1900	4.03	12000	11.28
2000	4.14	13000	11.89
2100	4.24	14000	[illegible]
2200	4.34	15000	[illegible]
2300	4.44	16000	13.74
2400	4.55	17000	14.36
2500	4.64	18000	14.97
2600	4.74	19000	15.58
2700	4.84	20000	16.19
2800	4.92	30000	22.22
2900	5.02	40000	28.3
3000	5.10	50000	34.3
3100	5.18	60000	40.0
3200	5.27	or	
3300	5.36	more	

To use the table, take the process weight per hour as such is defined in this Section. Then find this figure in the Table, opposite which is the maximum number of contaminants which may be discharged into the atmosphere in any one (1) hour. As an example, if "A" has a process which emits contaminants into the atmosphere and which process takes 3 hours to complete, he will divide the weight of all materials in the specific process, in this example 1500 pounds by 3, giving a process weight per hour 500 pounds. The table shows that "A" may not discharge more than 1.77 pounds in any one (1) hour during the process. Where the process weight per hour falls between figures in the left hand column, the exact weight of permitted discharged may be interpolated.

040.025 EXCEPTIONS

The provisions of Chapter 040.005 through and including Chapter 040.020 do not apply to open fires set pursuant to obtaining a permit.

040.030 FUGITIVE DUST CONTROL

Prohibitions

A. Any person engaged in activities involving the dismantling of buildings, public or private construction, mining or processing sand, gravel, or rock (which includes excavating, crushing, sizing, screening, cleaning, and mixing), the operation of machines and equipment, the grading of roads, and trenching operations, shall take all reasonable precautions to abate emissions caused by dust and to prevent its transmission beyond the boundary lines of the real property on which it originates. Reasonable precautions may include, but are not limited to, cleaning up, sweeping, sprinkling, compacting, enclosure, chemical or asphalt sealing, or such other measures as the Control Officer may specify to accomplish satisfactory results.

B. No owner or lessee or any real property located or situated within Washoe County, Nevada, or in any incorporated city therein, shall, after the topsoil has been disturbed or the natural cover removed, allow the same to remain unoccupied, unused, vacant or undeveloped, without taking all reasonable precautions to prevent fugitive dust from becoming airborne. Adequate and reasonable precautions shall include, but are not limited to, compacting, chemical sealers, resin sealers, asphalt sealers or plantings.

C. No person shall cause or permit the handling or transporting or storage of any material in a manner which allows or may allow controllable particulate matter to become airborne.

D. In addition to Subsection A above, all particulate matter such as sand, dust, or dust particles, which are of such size and nature as to be recognizable and traceable to their source, using accepted techniques, and which result in particle fallout rates beyond the properties of the owners, lessees, occupants, operators, or users thereof, in excess of two (2) tons per square mile for a twenty-four (24) hour period with the normal background of environmental fallout as a reference or zero point.

Correction of Condition

If loose sand, dust, or dust particles are found to exist in excess of limits prescribed in Chapter 040.040, the Control Officer shall notify the owner, lessee, occupant, operator, or user, of said land that said situation is to be corrected within a specified period of time, dependent upon the scope and extent of the problem, but in no case may such a period of time exceed three (3) days.

Remedial Action

The Control Officer, or his designated agent, after due notice pursuant to Chapter 020.025, may enter upon the subject land where said sand or dust problem exists, and take such remedial and corrective action as may be deemed appropriate to relieve, reduce, or remedy the existent sand condition, where the owner, occupant, operator, or any tenant, lessee, or holder of any possessory interest or right in the subject land, fails to do so.

Costs

Any costs incurred in connection with any such remedial or corrective action by the Control Officer shall be assessed against the owner of the involved property, and failure to pay the full amount of such costs shall result in a lien against said real property, which lien shall remain in full force and effect until any and all such costs shall have been fully paid, which shall include, but not be limited to, costs of collection and reasonable attorney's fee therefore.

040.035 OPEN FIRES

It is unlawful for any person to burn, or cause to be burned, any combustible refuse in any open fire within the Health District, excluding fires for food preparation and recreation with designated campgrounds and parks and those set forth in Chapter 040.040 except for the following, and then only when a burning permit has been issued by the Control Officer or his designee:

A. When such fire is set for the purpose of the prevention of a fire hazard, declared by a Public Fire Chief or his designee, which cannot be abated by any other alternate means.

B. When such fire is set for the instruction of public or private employees in the methods of fighting fires.

C. When such fire is set in the course of any agricultural operation in the growing of crops, such as burning of weeds to clear irrigation ditches, canals, laterals.

D. When such fire is set in the course of recreational outing or event by an organization, such as homecoming bonfires.

E. When such fire in the opinion of the Control Officer is necessary.

F. When such fire is set for the purpose of removing weeds from empty lots during a sixty (60) day period specified each year by the Public Fire Chief or his designee. During this sixty day period, permits may be issued by the Fire Department, with a copy to the Control Officer, provided the following stipulations are met.

    1. The premises are inspected by the Fire Department and they declare a fire hazard exists which cannot be abated by any other practical method, as determined by the Public Fire Chief or his designee.

    2. The premises are cleared of any combustible refuse other than weeds.

    3. The permittee is required to maintain adequate combustion during burn to prevent emission of smoke as prohibited by these Regulations.

These exceptions shall not be effective when the Control Officer determines that:

1. The inversion base is 1500 feet or less above the valley floor (6000 feet mean sea level).

2. The inversion will hold throughout the day.

3. A public nuisance will be created.

Nothing in these Regulations shall prohibit or require a burning permit for the use of, at private residences, barbecue pits, grills, or outdoor fireplaces for the preparation of food for human consumption.

040.040 BURNING PERMIT CONDITIONS

A copy of the burning permit must be available at the site of each burn. All conditions stipulated on the permit itself and those additional ones imposed by the Control Officer must be strictly followed. Any violation of these conditions will have the effect of voiding the permit and subject the user to the actions stated in Chapters 020.055, inclusive.

040.045 REFUSE DISPOSAL

Refuse Burning - Prohibited

Within the Lake Tahoe Basin, Sun Valley Water District, and within three (3) miles of any city limits it is unlawful to burn, or cause to be burned, any combustible refuse except in an approved multiple chambered incinerator (described in Chapter 010.105) or in equipment found by the Control Officer, in advance of such use, to be equally effective for the purpose of air pollution control.

Refuse Burning - Acceptable

In those areas of the Health District not set forth above, combustible refuse may be burned without a burning permit from this office provided:

A. Fires are contained in suitable structures or equipment, excluding pits and holes in the ground, that restrict size of the fire.

B. Contemplated structures or equipment meet all fire and safety codes for area.

C. Fires do not create a public nuisance or fire hazard.

040.050 INCINERATOR EMISSIONS

No person shall cause, suffer, allow, or permit the discharge into the atmosphere from any multiple chambered incinerator, or approved incinerator, any visible air contaminants for a period or periods aggregating more than one (1) minute in any one hour which is:

A. As dark or darker in shade than that designated as No. 1 on the Ringelmann Chart; or

B. of an opacity to or greater than an air contaminant designated as No. 1 on the Ringelmann Chart.

040.055 NUISANCE - ODOROUS OR GASEOUS CONTAMINANTS

It is unlawful for any person to discharge, or cause to be discharged, from any source whatsoever, any quantity of odorous or gaseous emissions, materials, or air contaminants of any kind or description, which is, or tends to be, offensive to the senses, or injurious or detrimental to repose, health and safety, or which in any way unduly interferes with or prevents the comfortable enjoyment of life or property by any considerable number of persons or the general public.

The Control Officer shall investigate an odor when thirty (30) percent or more of a sample of the people exposed to it believe it to be objectionable in usual places of occupancy, the sample size to be at least twenty (20) people or seventy-five (75) percent of those exposed if fewer than twenty (20) people are exposed.

The Control Officer shall deem the odor occurrence a violation if he is able to make two odor measurements within a period of one hour, these measurements being separated by at least fifteen (15) minutes. An odor measurement shall consist of a detectable odor after the odorous air has been diluted with eitht or more volumes of odor-free air.

040.060 SULFUR CONTENT OF FUEL

It is unlawful for any person to burn, or cause to be burned, within the District at any time, a fuel having a sulfur content in excess of 1.0 percent by weight.

The provisions of this Section shall not apply to the use of liquid or solid fuels whenever the supply of gaseous fuel is not physically available to the user due to accident, act of God, act of War, or act of Public Enemy.

040.065 REDUCTION OF ANIMAL MATTER

It is unlawful for any person to burn, or cause to be burned, operate or use, or cause to be operated or used, any article, machine, equipment or other contrivance for the reduction of animal matter unless all gases, vapors, and gas entrained effluents from such an article, machine, equipment or other contrivance are:

A. Incinerated at temperatures of not less than 1400° fahrenheit for a period of not less than 0.3 seconds; or

B. processed in a manner determined by the Control Officer to be equally, or more effective for the purpose of air pollution control than A above.

A person incinerating or processing gases, vapors, or gas entrained effluents pursuant to this chapter shall provide, property install and maintain in calibration, in good working order and operation, devices as specified in these Regulations or as specified by the Control Officer, for indicating temperature, pressure, or other

040.075 GASOLINE LOADING INTO TANK TRUCKS AND TRAILERS

A. Until July 1, 1980, a person shall not load gasoline into any truck or trailer from any loading facility or terminal unless such facility or terminal is equipped with and uses either a submerged fill pipe or a vapor collection system, properly installed and in good working order.

B. Commencing July 1, 1980, a person shall not load gasoline into any truck or trailer from any:

1. Loading facility or terminal which loads up to 75,700 liters (20,000 gallons) of gasoline on an annual average daily basis unless the facility or terminal is equipped with and uses a top submerged fill pipe or bottom fill.

2. Loading facility or terminal capable of loading 75,700 liters (20,000 gallons) or more of gasoline on an annual average daily basis unless the facility or terminal is equipped with and uses a vapor collection and disposal system which limits the emission of hydrocarbons to 80 milligrams per liter of gasoline loaded.

   Compliance with this emission limitation shall be determined by using the method described in Appendix A of the EPA document "Control of Hycrocarbons from Tank Truck Gasoline Loading Terminals" EPA-450/2-77-026.

   Loading shall be accomplished in such a manner that mixture of vapor and air displaced from the delivery vessel is vented only to the vapor recovery and disposal system. The loading device shall be equipped and/or operated in such a manner that the liquid drainage from the device is totally prevented during and after disconnection.

C. Within two months after adoption of this section all the affected facilities must submit a control plan to the Control Officer which contains:

1. Projected date for awarding contracts for installation of equipment.

2. Date of initiation of construction.

3. Date of completion of construction.

4. Date of final compliance.

040.080 GASOLINE UNLOADING FROM TANK TRUCKS AND TRAILERS INTO STORAGE TANKS.

A. A person shall not unload, or cause to be unloaded, gasoline from any tank truck or trailer into any storage tank unless such tanks are equipped with a bottom fill or a permanent submerged fill pipe, the discharge opening of which is entirely submerged when the liquid level is 6 inches above the bottom of the tank. When unloading from a tank truck or trailer the hose connection to the tank fill pipe shall be a tight, leak-proof fill connection.

B. Commencing July 1, 1980, any stationary storage facility with a combined tank capacity of 37,850 (10,000 gallons) or more, in addition to meeting the requirements contained in subsection A, shall be equipped with, and use, a vapor control system capable of recovering the vapors displaced during the filling of any of its gasoline storage tanks.

C. The vapor control system shall prevent the release to the atmosphere of not less than 90 percent, by weight, of organic compounds in the vapors displaced. The displaced vapors shall be recovered by a vapor control system involving both the storage tank and tank truck or trailer.

D. The system shall contain a vapor-tight gasoline fill connector and a vapor-tight return line to the tank truck and trailer of at least 7.6 cm. (3 inches) nominal diameter.

E. The vapor control equipment at the facility shall be maintained in such a way that the vapor control system meets the specifications set forth in this section at all times.

F. Each tank or trailer shall be designed and maintained in vapor-tight condition. A vapor-laden tank truck or trailer may only be refilled at a facility equipped with a vapor control system which meets the requirements contained in Section 040.075 of these Regulations.

040.085 ORGANIC SOLVENTS

A. A person shall not use, in any dry cleaning operation, organic solvents containing 4 percent or more by volume of any volatile organic compound unless the emissions of the discharged organics are reduced by 90 percent or more.

B. After January 1, 1980, any person who employs solvent metal cleaning (degreasing) shall utilize a device for such cleaning which includes the following equipment:

1. A container for the solvent and articles being cleaned;

2. An apparatus or cover which prevents the solvent from evaporating when not processing work in the degreaser;

3. A facility for draining cleaned parts such that the drained solvent is returned to the container;

4. A permanent, conspicuous label, which lists each of the operating requirements contained in subsection C; and

5. For cold solvent cleaning if the vapor pressure of the solvent is greater than 33 millimeters of mercury or 0.6 pounds per square inch at 38 degrees celsius, or if the solvent is heated above 50 degrees celsius, one of the following control devices:

    a. A freeboard such that the freeboard ratio is equal to or greater than 0.75;

    b. A water cover if the solvent is insoluble in and heavier than water; or

    c. Any other system of equivalent control such as a refrigerated chiller or carbon adsorber.

6. The following equipment shall be used in open-top vapor degreasing or conveyorized degreasing:

    a. All of the following safety switches:

        1. A condenser flow switch and thermostat;

        2. A spray safety switch; and

        3. A vapor level control device.

    b. Any or all of the following major control devices so that overall emissions are reduced by 85 percent by weight:

        1. A freeboard such that the freeboard ratio is equal to or greater than 0.75;

        2. A refrigerated chiller;

        3. A carbon adsorption system; or

        4. A control system which has a control efficiency equivalent to any of the above.

    c. For conveyorized degreasers, the following additional control devices;

    1. A drying tunnel or other deivce such as a rotating basket to prevent cleaned parts from carrying out solvent liquid or vapor; and

    2. Minimized openings, entrances and exits which silhouette work loads so that the average clearance between parts and the edge of the degreaser opening is either less than 10 centimeters or less than 10 percent of the width of the opening.

C. After January 1, 1980, any person who engages in solvent metal cleaning (degreasing) must conform to the following operating requirements:

    1. The degreasing equipment and emission control equipment must be operated and maintained in a proper working order.

    2. A person shall not allow any solvent to leak from any portion of the degreasing equipment.

    3. A person shall not store or dispose of any solvent in such a manner as to cause or allow its evaporation into the atmosphere.

    4. A person shall not remove or open any device designed to cover the solvent except to process work in or perform maintenance on the degreaser.

    5. A person shall drain cleaned parts for at least 15 seconds after cleaning or until dripping ceases (cold solvent cleaning only).

    6. If a solvent flow is used, a person shall use only a continuous, fluid stream (not a fine, atomized, or shower type spray) and the pressure shall be such that it does not cause liquid solvent to splash outside of the solvent container.

    7. Solvent agitation, where necessary, shall be attained through pump recirculation or by means of a mixer. (Air agitation of the solvent bath shall not be used.)

    8. To minimize solvent carry-out in open-top vapor degreasers, a person shall:

        a. Place parts on racks to allow for full drainage;

        b. Move parts in and out of the degreaser at less than 3.3 meters per minute;

        c. Degrease the work load in the vapor zone at least 30 seconds or until condensation ceases; and

    d. Allow parts to dry within the degreaser until visually dry.

9. To minimize solvent carry-out in conveyorized degreasers, a person shall:

    a. Place parts on racks to allow for full drainage; and

    b. Maintain vertical conveyor speed at less than 3.3 meters per minute.

PROHIBITED EMISSIONS

040.090 CUT-BACK ASPHALTS

Commencing January 1, 1981, a person shall not cause, allow, or permit the sale, offering for sale, use or application of cut-back asphalt or solvents (diluents) for any highway paving or maintenance operation within the Health District unless:

A. The use or application commences on or after November 1 of any year and ceases not later than March 31 of the following year;

B. Long life (longer than 1 month) stockpile storage is necessary;

C. The asphalt is to be used solely as a penetrating seal coat on existing road surfaces;

D. The application to stress relief courses of pavement overlays is required; or

E. The user can demonstrate that there will be no emissions of organic compounds from the asphalt under conditions of normal use. Cut-Back and emulsified asphalts for which 5% or less of the total solvent distills at or below 500 degrees Fahrenheit (corrected to standard pressure) will be considered to have no emissions of organic compounds under normal use. Distillation tests shall be ASTM D 402 and D 244 respectively.

MOBILE EQUIPMENT

050.005 ORIGINAL EQUIPMENT

No person shall operate or leave standing on any highway any motor vehicle which is required by Federal Regulations to be equipped with motor vehicle pollution control devices unless such devices are correctly installed and in operating condition. No person shall disconnect, alter or modify any such required device. The provision of this Chapter shall not apply to an alteration or modification found by the State Board of Environmental Protection not to reduce the effectiveness of any required motor vehicle pollution control device. (NRS 484.644)

050.010 EQUIPMENT VIOLATION

Violation of Chapter 050.005 is a misdemeanor. Whenever any motor vehicle is found by the Control Officer, or his designee, to be in violation of Chapter 050.005, and notice to appear or citation is issued, it may require that the person named therein shall produce in court proof that such vehicle or its equipment has been made to conform to the provisions of Chapter 050.005. (NRS 484.6441)

050.015 VISIBLE EMISSION - GASOLINE POWERED EQUIPMENT

No gasoline-powered mobile equipment shall be operated which emits visible smoke while moving for a distance of more than 100 yards upon the streets, roads or highways of the State, or more than 15 continuous seconds if stationary.

050.020 VISIBLE EMISSIONS - DIESEL POWERED EQUIPMENT BELOW 5000 FOOT ELEVATION

No person shall operate a diesel-powered mobile equipment manufactured after January 1, 1970, below 5000 foot elevation, where the period of continuous visible emission exceeds the Ringelmann No. 1 standard or its equivalent opacity for more than 15 seconds. Diesel-powored mobile equipment manufactured prior to January 1, 1970, shall not exceed the Ringelmann No. 2 standard or its equivalent opacity for more than 15 continuous seconds.

050.025 VISIBLE EMISSIONS - DIESEL POWERED EQUIPMENT ABOVE 5000 FOOT ELEVATION

Diesel-powered mobile equipment operating above a 5000 foot elevation shall not exceed a Ringelmann No. 2 standard or its equivalent opacity for more than 15 continuous seconds.

050.030 VISIBLE EMISSIONS - MOBILE EQUIPMENT USED EXCLUSIVELY UPON STATIONARY RAILS BELOW 5000 FOOT ELEVATION

Unless otherwise provided for by federal regulation, no person shall operate mobile equipment manufactured after January 1, 1970, used exclusively upon stationary rails below 5000 foot elevation where the period of continuous emission is of an opacity greater than 40 percent for more than 15 consecutive seconds.

Mobile equipment manufactured prior to January 1, 1970, used exclusively upon stationary rails shall not exceed an opacity greater than 60 percent for more than 15 consecutive seconds. Effective January 1, 1973, this Chapter 050.030 will be superseded by standards set forth in Chapter 050.020.

050.035 VISIBLE EMISSIONS - MOBILE EQUIPMENT USED EXCLUSIVELY UPON STATIONARY RAILS ABOVE 5000 FOOT ELEVATION

Unless otherwise provided for by federal regulation, mobile equipment used exclusively upon stationary rails operated above a 5000 foot elevation shall not exceed an opacity greater than 60 percent for more than 15 consecutive seconds. Effective January 1, 1973, this Chapter 050.035 will be superseded by standards set forth in Chapter 050.025.

EMERGENCY EPISODE PLAN

060.005 GENERAL

This emergency regulation is designed to prevent the excessive buildup of air contaminants and to avoid any possibility of a catastrophe caused by toxic concentrations of air contaminant.

The Control Officer deems it desirable to have ready an adequate plan to prevent such an occurrence, and in case of the happening of this unforeseen event, to provide for adequate actions to protect the health of the citizens in the Health District.

060.010 EMERGENCY AUTHORITY TO ACT

If and when the Control Officer finds that either a generalized condition of air pollution or the operation of one or more particular sources of air contaminant is causing imminent danger to human health or safety, he may, with concurrence of the District Health Officer, order the person or persons causing or contributing to the air pollution to reduce or discontinue immediately the emission of air contaminants.

If and when air contaminant levels reach the limits set forth in Chapter 060.040, the Control Officer will take the necessary action as prescribed by each alert stage.

If the Control Officer exercises power conferred in Chapter 060,010, said order shall expire by limitation 24 hours after it takes effect unless sooner affirmed, modified or set aside by the Hearing Board.

060.015 SAMPLING STATION AND AIR SAMPLING

The Washoe County District Health Department shall maintain at least one station in the downtown Reno area which will produce continuous and recorded air quality data on the air contaminants capable of causing an air pollution emergency. The Control Officer shall establish procedures whereby adequate sampling and analyses of air contaminants will be taken at each sampling station.

060.020 REPORTS

The Washoe County District Health Department shall make daily summaries of the readings required by Chapter 060,015. The summaries shall be in such form as to be understandable by the public. These summaries shall be public records and immediately after preparation shall be filed at the Washoe County District Health Department and be available to the public, press, radio, television, and other mass media of communication.

060.025 CONTINUING PROGRAM OF VOLUNTARY COOPERATION

The Control Officer shall inform the public of ways in which air pollution can be reduced and shall request voluntary cooperation from all persons in all activities which contribute to air pollution. Civic groups shall be encouraged to undertake campaigns of education and voluntary air pollution reduction in their respective communities. Public officials shall be urged to take promptly such steps as may be helpful to reduce air contaminants to a minimum within the areas of their authority. Employers shall be requested to establish car pools. Users of motor vehicles shall be urged to keep motors in good condition. All industrial, commercial and business establishments which emit hydrocarbons or other air contaminants should critically study their operations from the standpoint of air contamination and shall take appropriate action voluntarily to reduce air pollution.

060.030 DECLARATION OF ALERTS

The Control Officer shall declare the appropriate "alert" whenever the concentration of any air contaminant has been verified to have reached standards set forth in Chapter 060.040.

060.035 NOTIFICATION OF ALERTS

Following the declaration of the appropriate "alert" the Control Officer shall communicate notification of the declaration of the alert to:

A. Washoe County Sheriff.

B. Sparks Police and Fire Departments.

C. Reno Police and Fire Departments.

D. The Air Pollution Control Hearing Board.

E. All Air Pollution Control Personnel.

F. Nevada Highway Patrol.

G. The general public through radio, television, and newspapers.

H. The District Board of Health and County Commissioners.

I. Other local public officials and public safety personnel who have responsibilities or interests in air pollution alerts.

060.040 ALERT STAGES FOR TOXIC AIR POLLUTANTS

(in parts per million of air)

* Remove and move [illegible] [illegible]

	First Alert	Second Alert	Third Alert
Carbon Monoxide †	50	100	150
Nitrogen Oxides †	3	5	10
Sulfur Oxides †	3	5	10
Photochemical Oxidants (as Ozone) †	0.5	1.0	1.5
Hydrocarbons †	2	4	6

† How measured: By prescribed equipment manufacturers procedures and federal guidelines.

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First Alert: Close approach to maximum allowable concentration for the population at large. Still safe but approaching a point where preventive action is required.

Second Alert: Air contamination level at which a health menace exists in a preliminary state.

Third Alert: Air contamination level at which a dangerous health menace exists.

060.045 FIRST ALERT ACTION

This is a warning alert and shall be called whenever the concentration of any contaminant has been verified to have reached the standards for the "first alert" as set forth in Chapter 060.040. The following action shall be taken upon the calling of the First Alert:

A. A person shall not burn any combustible refuse at any location within Washoe County in an open fire.

B. Any person operating or maintaining any industrial, commercial or business establishment other than power plants or heating plants essential to health or safety, which establishments emit hydrocarbons or any other of the contaminants named in Chapter 060.040, and any person operating any private non-commercial vehicle, shall, during the First Alert period, take the necessary preliminary steps to the action required should a Second Alert be declared.

C. The Control Officer shall, by the use of all appropriate mass media of communication, request the public to stop all unessential use of vehicles in Washoe County and to operate all privately owned vehicles on a pool basis, and shall request all employers to activate employee car pools.

D. When after the declaration of the First Alert it appears to the Control Officer that the concentration of any contaminants in all or any portion of the County is increasing in such a manner that a Second Alert is likely to be called he shall take the following actions:

   1. Notify the District Health Officer and request advice on actions to be taken.

   2. Give all possible notice to the public by all mass media of communication that a Second Alert may be called.

060.050 SECOND ALERT ACTION

This is a preliminary health hazard alert and shall be declared when an air contaminant has been verified to have reached the standards set forth for the "Second Alert" in Chapter 060.040.

The following action shall be taken upon the calling of the Second Alert:

A. The action set forth in Chapter 060.045.

B. Pursuant to this alert, the Control Officer may impose limitations as to the general operation of vehicles permitting limited operation essential to accomodate industry, business, public utility and other services as may be necessary in the public welfare.

C. In the event the control measures made effective under paragraph B. above prove to be inadequate to control the increase in the concentration of air contaminants, the Control Officer with the approval of the District Health Officer shall take such steps as he may deem necessary to assure adequate control of existing air contaminants and to protect the health and safety of the public, but, if possible, without employing such drastic remedial measures as to completely disrupt the economic life of the community or to result in irreparable injury to any form of production, manufacture or business. The Control Officer may, with the concurrence of the District Health Officer, order the closing of any industrial, commercial or business establishment and stop all vehicular traffic, except authorized emergency vehicles as defined in the Nevada Vehicle Code, vehicles used in public transportation and vehicles the operation of which is necessary for the protection of the health and welfare of the public, if, in the opinion of the Control Officer the continued operation of such establishment or vehicle contributes to the further concentration of any air contaminant, the concentration of which caused the declaration of the "alert".

The Control Officer during a Second Alert, shall keep the public suitably informed of all significant changes in the concentration of toxic air contaminants.

060.055 THIRD ALERT ACTION

This is a dangerous health hazard alert and shall be declared when an air contaminant has been verified to have reached the standards set forth for the "Third Alert" in Chapter 060.040.

The following action shall be taken upon the calling of the Third Alert:

A. The actions set forth in Chapter 060.050.

B. If it appears that the steps taken by the Control Officer will be inadequate to cope with the emergency, the Control Officer shall, with the approval of the District Health Officer, request the Governor to declare that a state of emergency exists and to take appropriate actions.

060.060 END OF ALERT

The Control Officer shall declare the termination of the appropriate alert whenever the concentration of an air contaminant which caused the declaration of such alert has been verified to have fallen below the standards set forth in Chapter 060.040 for the calling of such alert and the available scientific and meteorological data indicates that the concentration of such air contaminant will not immediately increase again so as to reach the standards set forth for such alert in Chapter 060.040. The Control Officer shall immediately communicate the declaration of the termination of the alert in the manner provided in Chapter 060.030 for the declaration of alerts.

CLARK COUNTY, NEVADA

DISTRICT BOARD OF HEALTH OF CLARK COUNTY

AIR POLLUTION CONTROL REGULATIONS

WHEREAS, it is recognized that there has been a growth in the amount and complexity of air pollution in Clark County, Nevada, brought about by, and incident to, the population growth of and industrial development in the said County, which conditions are likely to be aggravated and compounded by additional population growth and industrial development in the future, all resulting in serious potential danger to the public health and welfare of the residents of said County, and substantial injury to or interference with the reasonable use and enjoyment of property and the conduct of business therein, as well as injury to agricultural crops and livestock, and hazards to air and ground transportation; and

WHEREAS, it is the responsibility of the District Board of Health of Clark County to promote and protect the health and welfare of the inhabitants of this County, which necessitates the control and regulation of activities affecting the quality of the air therein; and

WHEREAS, it is the public policy of Clark County and the purpose of these Regulations to achieve and maintain levels of air quality which will protect human health and safety, prevent injury to plant and animal life, prevent damage to property, and preserve visibility and scenic, esthetic and historic values of Clark County; and

WHEREAS, it is the intent of these Regulations to:

(a) Require the use of reasonably available methods to prevent, reduce or control air pollution throughout Clark County;

(b) Maintain cooperative programs;

(c) Facilitate cooperation across jurisdictional lines in dealing with problems of air pollution not confined within a single jurisdiction; and

WHEREAS, the quality of air is declared to be affected with the public interest and these Regulations are enacted in the exercise of the police power of this county and the municipal entities comprising the Health District to protect the health, peace, safety and general welfare of its people as required by State law; and

WHEREAS, the District Board of Health has initiated and conducted an Air Pollution Control program, including a comprehensive air monitoring program for the purpose of determining air quality standards and source emission standards; and

WHEREAS, the need for control of air contaminants, and the emission thereof at their source, was first determined by an air pollution survey of Clark County conducted in 1962 and 1963, the findings of which survey and the problems identified therein having been confirmed by subsequent measurements and experience gained in the conduct of an Air Pollution Control program established pursuant to authority vested in the Clark County District Board of Health by the 1967 session of the legislature of the State of Nevada; and

WHEREAS, the Clark County District Board of Health has taken into consideration all of the facts and circumstances bearing upon the reasonableness of the emission of air contaminants in the area, including but not limited to:

(a) The character and degree of injury to or interference with health and property or the reasonable use and enjoyment of property or conduct of business;

(b) The social and economic value of the source of air contaminants;

(c) The technical practicability and economic reasonableness of reducing or eliminating the emission of air contaminants from such source;

(d) The location involved, the density of population, the atmospheric condition, and the relationship of the emissions to the general air pollution condition of the area;

(e) The cost and effectiveness of control equipment available; and

(f) Efforts previously made and the equipment previously installed to control or decrease such emissions; and

WHEREAS, recent developments in State and Federal law, as well as developing air pollution control technology, and the need for more precise and equitable standards and procedures, require the updating and amendment of the current Air Pollution Control Regulations of the District Board of Health of Clark County;

NOW, THEREFORE, the District Board of Health of Clark County, in accordance with the authority vested in it by Chapter 445 of Nevada Revised Statutes, does hereby adopt, promulgate and order compliance therewith within Clark County, Nevada, the following amended Regulations, to be known as "Air Pollution Control Regulations."

DISTRICT BOARD OF HEALTH OF CLARK COUNTY

AIR POLLUTION CONTROL REGULATIONS

SECTION 1. DEFINITIONS

In these Regulations, unless the context otherwise requires:

1.1 "Affected Facility" means, with reference to a stationary source, any apparatus to which a standard is applicable.

1.2 "Agricultural Operations" means the growing of crops for profit or the growing of crops for the purpose of providing life support to a considerable number of people, animals, or fowl.

1.3 "Air Contaminant" means any substance discharged into the atmosphere except water vapor or water droplets.

1.4 "Airplane Refueling Area" means, a place capable of receiving, storing and dispensing one or more types of gasoline for consumption by airplanes.

1.5 "Air Pollution" means the presence in the outdoor atmosphere of one or more air contaminants or any combination thereof in such quantity and duration as may tend to:

> Injure human health or welfare, animal or plant life or property.
>
> Limit visibility or interfere with scenic, esthetic and historic values of the state.
>
> Interfere with the enjoyment of life or property.

1.6 "Air Pollution Control Committee" means three (3) members selected from the District Board of Health of Clark County to perform the functions set forth in these Regulations.

1.7 "Allowable Emissions" means, the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to enforceable permit conditions which limit the operating rate or hours of operation, or both) and the most stringent of the following: The applicable State or County emission limitation, or the emission rate specified as a permit condition.

1.8 "Ambient Air" means that portion of the atmosphere surrounding people, animal, plant life, and buildings.

1.9 "Application Area" means, the area where surface coating to materials is applied by spraying, dipping or flow coating techniques.

1.10 "Application for Registration" means, that document filed with the Control Officer prior to the start of construction of a new source or modification of an existing source which includes all required data necessary to determine the effects on the air quality within Clark County or any incorporated city therein, as a result of operation of such source.

1.11 "Area Source" means, a collection of minor sources each emitting less than 22.7 metric tons (25 tons) per year of any pollutant for which there is a standard.

1.12 "Atmosphere" means the portion of air which envelops the earth that is not contained in any enclosed building or structure.

1.13 "Authority to Construct Certificate" means, that certificate issued, after review of a new or modified source and complex source, which constitutes approval to commence construction or modification of such source.

1.14 "Board" means the District Board of Health of Clark County.

1.15 "British Thermal Unit" means that quantity of heat required to raise the temperature of 0.45 kilograms (1 pound) of water, 0.555 C at 4 C (1 F 39.2 F)

1.16 "Chemical Process" means a manufacturing operation in which one or more changes in chemical composition, chemical properties, or physical properties are involved.

1.17 "Clearing and Grubbing" means, the removal of tree stumps, shrubs, trash, and dirt piles before excavation of a site.

1.18 "Combined Tank Capacity" means, all gasoline storage tanks at the gasoline station.

1.19 "Combustible Refuse" means any waste material which can be consumed by combustion.

1.20 "Commence Construction" means to engage in a continuous program of construction including site clearance, grading, dredging, or land filling in preparation for the fabrication, erection, or installation of a new or modified source or one in which an owner or operator has entered into a contractual obligation to undertake and complete, within a reasonable time, a continuous program of construction or modification. For the purpose of this section, interruptions resulting from Acts of God, strikes, litigation, or other matters beyond control of the owner or operator shall be disregarded in determining whether a construction or modification program is continuous.

1.21 "Commercial Off-Road Vehicle Racing" means, an off-road racing event in which the participants pay entry fees of $50.00 or more, or winners receive cash awards of $50.00 or more.

1.22 "Control Officer" means that individual designated by the District Board of Health, Clark County, Nevada, to administer the Air Pollution Control Program within Clark County, Nevada, and to enforce the Air Pollution Control Regulations.

1.23 "Diesel Fuel" means a low viscosity oil normally used in compression ignition engines.

1.24 "Dust" means minute solid particles released into the atmosphere by natural forces or by mechanical or chemical processes.

1.25 "Emission" means any air contaminant passed into the atmosphere.

1.26 "Existing Facility" means any single source of contaminant on which construction or modification was begun prior to August 25, 1971.

1.27 "Existing Gasoline Station" means a place capable of receiving, storing, and dispensing one or more grades of gasoline for use in motor vehicles and for which construction commenced prior to November 1, 1977.

1.28 "Fixed Capital Cost" means the capital needed to provide all the depreciable components.

1.29 "Freeboard Ratio" means the freeboard height divided by the width of the degreaser.

1.30 "Fuel" means any form of combustible matter (solid, liquid, vapor, or gas), excluding combustible refuse.

1.31 "Fuel-Burning Equipment" means any device used for the burning of fuel for the primary purpose of producing heat or power by indirect heat transfer in which the products of combustion do not come into direct contact with any other materials.

1.32 "Fuel Oil" means a liquid or liquefiable petroleum product normally produced, manufactured, used, or sold for the purpose of creating useful heat.

1.33 "Fugitive Dust" means solid airborne particulate matter emitted from any source other than a flue or stack.

1.34 "Fumes" means minute solid particles generated by the condensation of vapors from solid matter after volatilization from the molten state, or may be generated by sublimation, distillation, calcination, or chemical reaction, when these processes create airborne particles.

1.35 "Garbage" means putrescible animal or vegetable refuse.

1.36 "Gas" means matter which has neither independent shape nor volume and tends to expand indefinitely.

1.37 "Gasoline" means any petroleum distillate having a Reid Vapor pressure of 208 mm Hg (4 pounds per square inch) or greater.

1.38 "Health District" means the Clark County Health District.

1.39 "Hearing Board" means seven (7) members appointed by the Board of Health to perform the function set forth in the Nevada Revised Statutes and these Regulations.

1.40 "Highly Volatile Solvents" means a solvent whose volatility is greater than 4.3 kPa (32 mm Hg or 0.6 PSI) at 38 Celcius (100 F).

1.41 "Incinerator" means a combustion device specifically designed for the destruction, by high temperature burning, of combustible refuse and from which the solid residues contain little or no combustible material.

1.42 "Integrated sampling" means sampling for an average concentration during an arbitrary time period. It generally involves collection of the sample in the field followed by analysis of the sample in the laboratory.

1.43 "Large Appliances" means doors, cases, lids, panels, and interior support parts of residential and commercial washers, dryers, ranges, refrigerators, freezers, water heaters, dishwashers, trash compactors, air conditioners, and other similar products.

1.44 "Las Vegas Valley" means that geographical area which coincides with the boundaries of the Hydrographic Area 212 as reported in the document "Water Resources - Information Series - Report 6" issued by the Nevada State Engineer's Office in September, 1968.

1.45 "Low Organic Solvent Coating" means coatings which contain less organic solvents than conventional coatings used by industry. Low organic coatings include water borne, higher solids, electrodeposition, and powder coatings.

1.46 "Lowest Achievable Emission Rate" means the rate of emission based on the following, whichever is more stringent: the most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed source demonstrates that such limitations are not achievable; or, the most stringent emission limitation which is achieved in practice by such class or category of source taking into consideration the pollutant which must be controlled.

1.47 "Malfunction" means any sudden and unavoidable failure of air pollution control equipment, or process equipment , or of a process to operate in a normal or usual manner. Failure that is caused entirely or in part by poor maintenance, careless operation, or other preventable upset conditions or preventable equipment breakdown shall not be considered a malfunction.

1.48 "Minor Source" means a source of air contaminants which in the absence of any control device and/or control technology, emits less than 22.7 metric tons (25 tons) per year of any pollutant for which there is an ambient air standard listed in Section 11 of these Regulations.

1.49 "Mist" means liquid particulates or droplets, about the size of raindrops, such as fog, that are formed by condensation of vapor, or atomization of a liquid by mechanical spraying.

1.50 "Modification" means any physical change in or change in the method of operation of an existing facility which increases or may increase the amount of any air contaminant (to which a standard applies) emitted into the atmosphere by that facility or which results in the emission of any air contaminant (to which a standard applies) into the atmosphere not previously emitted.

1.51 "Motocross Race Course" means a closed loop course established on improved or unimproved property upon which the actual track may be dirt, gravel, paving, or other surface encompassing an area of less than 20.3 hectares (50 acres).

1.52 "Motor Vehicles" means, every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails.

1.53 "Multiple Chamber Incinerator" means any article, machine, equipment, contrivance, structure or part of a structure, used to dispose of combustible refuse by burning, consisting of three or more refractory-lined combustion furnaces in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

1.54 "Natural Cover" means any vegetation which exists on the property.

1.55 "New Gasoline Station" means a place capable of receiving, storing and dispensing one or more grades of gasoline for use in motor vehicles and for which construction commenced on or after November, 1977.

1.56 "New Source" means any single source of air contaminant on which construction or reconstruction has begun after August 25, 1971.

1.57 "New Source Review (NSR)" means the review performed by the Control Officer on a new or modified stationary or portable source.

1.58 "NIC" means Nevada Industrial Commission.

1.59 "Non-Attainment Area" means an area which has been determined to exceed any national ambient air quality limit for any pollutant for which there is a standard. Non-attainment Area for Clark County, Nevada has been established by the Governor of the State of Nevada and such area coincides with the boundaries of the Hydrographic Area 212 (Las Vegas Valley) as reported in the document "Water Resources - Information Series - Report 6" issued by the Nevada State Engineer's

Office in September, 1968.

1.60 "Nuisance" means anything which is injurious to health, offensive to the senses, or an obstruction to the free use of property, so as to interfere with the reasonable or comfortable enjoyment of life or property.

1.61 "Odor" means those qualities of matter which make it perceptible to the olfactory senses of man.

1.62 "Off-Road Vehicle" means any motorized vehicle capable of, or designated for travel on or immediately over land, water, or other natural terrain excluding: (1) any non-amphibious motorboat, and (2) any military, fire, emergency, or law enforcement vehicles while being used for emergency purpose.

1.63 "Opacity" means the degree to which emissions reduce the transmission of light and obscure the view of an object in the background and is measured in terms of percent of obscuration.

1.64 "Open Fire" means any fire wherein the products of combustion are emitted into the open air and are not directed thereto through a stack or chimney.

1.65 "Operating Permit" means a document issued and signed by the Control Officer, authorizing the operation of a new or existing single source of air contaminant.

1.66 "Particulate Matter" means any material except uncombined water, that exists in a finely divided form as a liquid or solid at standard conditions.

1.67 "Person" means the State of Nevada and any individual, group of individuals, partnership, firm, company, corporation, association, trust, estate, political subdivision, administrative agency, public or quasi-public corporation, or other legal entity.

1.68 "Point Source" means any source that emits in excess of 22.7 metric tons (25 tons) per year of any air contaminant.

1.69 "Portable Source" means any building, structure, facility, or installation which emits or may emit any air contaminant, and which is designed in a manner to be moved from one location to another location as the need dictates and operates at a fixed location.

1.70 "Potential to Emit" means the capability at maximum capacity to emit a pollutant in the absence of air pollution control equipment. "Air pollution control equipment" includes control equipment which is not aside from air pollution control laws and regulations, vital to production of the normal product of the source or to its normal operation. Annual potential shall be based on the maximum annual rated capacity of the source unless the source is subject to enforceable permit conditions which limit the annual hours of operation. Enforceable permit conditions on the type or amount of materials combusted or processed may be used in determining the potential emission rate of a source.

1.71 "Prime Coat" means the first film of coating applied in a two-coat operation.

1.72 "Process Equipment" means any equipment, including portable equipment, used for storing, handling, conveying, processing or changing any materials whatsoever but, excluding that equipment specifically defined in these Regulations as fuel burning equipment or incinerators.

1.73 "Process Weight" means the total weight of all materials introduced into any specific process which process may cause any discharge into the atmosphere. Solid fuels charged will be considered as part of the process weight, but liquid and gaseous fuels and combustion air will not. "Process Weight Per Hour" will be derived by dividing the toatl process weight by the number of hours in one complete operation thereof, excluding any time during which the equipment is idle.

1.74 "Registration Certificate" is a document issued by the Control Officer which certifies the receipt of adequate data on a single source of air contaminant, and that the prescribed registration fee has been paid. For new sources, it shall constitute approval of location.

1.75 "Reconstruction" will be presumed to have taken place where fixed capital cost of the new components exceeds 50 percent of the fixed capital cost of a comparable entirely new facility or source.

1.76 "Shutdown" means the cessation of operation of any affected facility for any purpose.

1.77 "Single Coat" means a single film of coating applied directly to the material being coated omitting the prime application.

1.78 "Single Source" means all similar process operations located at a single contiguous property which can technically be replaced by a single process that performs the same function.

1.79 "Slow Curing (SC)" means a cutback asphalt generally using a low volatility fuel oil as a solvent.

1.80 "Smoke" means the product of incomplete combustion, consisting chiefly of particles of unburned carbon.

1.81 "Source of Air Contaminant" means anything which emits any air contaminant.

1.82 "Special Mobile Equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved upon a paved roadway. Special mobile equipment may include but is not limited to graders, scrapers, bulldozers, and other construction equipment.

1.83 "Stack" means a stack, chimney, flue, duct, or other opening for purposes of carrying smoke, dust, gas, vapor, or odor into the open air.

1.84 "Standard Commercial Equipment" means equipment manufactured in quantity for the purpose intended and completely specified as to size, type, and ratings in catalogs, and other printed literature readily available locally to officials within Clark County.

1.85 "Standard Conditions means a temperature of 20 Celcius (68 F) and a pressure of 760 mm of mercury (29.92 inches of mercury).

1.86 "Start Up" means the setting in operation of an affected facility for any purpose.

1.87 "Stationary Source" means any building, structure, facility, or installation which emits or may emit any air contaminant and which contains any one or combination of the following:

1) Affected facilities,
2) Existing facilities,
3) Facilities of the type for which no standards have been promulgated.

1.88 "Stop Order" means a written notice by the Control Officer served on a person or persons engaged in the doing or causing the construction, installation or alteration, or work involving an air contaminant source or sources ordering such work to be stopped.

1.89 "Top Coat" means the final film of coating applied to a two-coat operation.

1.90 "Topsoil" means the layer of the soil which by its humus content supports vegetation. It is usually the top six inches of the soil but may extend to a deeper depth.

1.91 "Uncombined Water" means a visible mist of condensed water vapor.

1.92 "Vapor" means the gaseous phases of a substance which at normal temperature and pressures is a liquid or solid.

1.93 "Vapor Disposal System" means a device or combination of devices into which vapors are passed before being vented into the atmosphere.

1.94 "Waste" means useless, unneeded, or superflous matter; discarded or excess material.

SECTION 2. AIR POLLUTION CONTROL BOARD

The board of Health will function as the Air Pollution Control Board of Clark County and the incorporated cities in Clark County.

SECTION 3. AIR POLLUTION CONTROL BOARD POWERS

The Board shall:

1. Select an Air Pollution Control Committee of five (5) from among its members. One member shall be a member from the County, and the other members shall consist of one member from each of the incorporated areas.

2. Designate a "Control Officer" to enforce the Air Pollution Control Regulations hereinafter contained.

3. Appoint an Air Pollution Control Hearing Board consisting of five (5) members who are not employees of the State, nor any political subdivision of the State. One member of the Hearing Board shall be an attorney admitted to practice law in Nevada, and one member shall be a professional engineer registered in Nevada.

4. Powers and responsibilities provided for in Chapters 445.461, 445.476 to 445.536, inclusive, 445.571 to 445.581, inclusive, and 445.601, of Nevada Revised Statutes, shall be binding upon and shall inure to the benefit of the Board of Health.

The Board may:

5. Subject to the provision of Chapter 445.466 of the Nevada Revised Statutes, adopt, amend, or modify rules and regulations consistent with the general intent and purposes of Chapters 445.401 to 445.601, inclusive, and in accordance with Chapter 233B of Nevada Revised Statutes to prevent, abate and control air pollution.

6. Make such determinations and issue such orders as may be necessary to implement the purposes of these Regulations.

7. Establish air quality standards.

8. Institute legal proceedings in a court of competent jurisdiction to prevent continued violation of any order issued by the Board of Health, Hearing Board or Control Officer and to enforce the provisions of these Regulations.

9. Require access to records relating to emissions which cause or contribute to air pollutions.

10. Apply for and receive grants or other funds or gifts from public or private agencies.

11. Cooperate and contract with other governmental agencies, including states and the Federal Government.

12. Conduct investigations, research and technical studies consistent with the general purposes of these Regulations.

13. Establish such emission control requirements as may be necessary to prevent, abate or control air pollution.

14. Require the registration of air pollution sources together with a description of the processes employed, fuels used, nature of emissions and other information considered necessary to evaluate the pollution potential of a source.

15. Prohibit as specifically provided in Section 9 of these Regulations the installation, alteration or establishment of any equipment, device or other article capable of causing air pollution.

16. Require the submission of preliminary plans and specifications, and other information as the Board of Health deems necessary to process permits.

17. Enter into and inspect at any reasonable time any premise containing an air contaminant source or a source under construction for purposes of ascertaining the state of compliance with these Regulations.

18. Hold hearings for purposes of implementing these Regulations except as otherwise provided herein.

19. Review recommendations of the Hearing Board and take such additional evidence as the Board of Health deems necessary or remand to the Hearing Board for such evidence as the Board of Health may direct.

20. Establish fuel standards for both stationary and mobile sources of air contaminants.

21. Require elimination of devices or practices which cannot be reasonably allowed without generation of undue amounts of air contaminants.

22. Specify the manner in which incinerators may be constructed and operated.

23. Delegate all powers, except subsections 5, 7, 18, 20 and 22 to the Control Officer or his representatives as may be necessary to implement these Regulations.

24. Require installation or alteration of an air contaminant detector, air contaminant recorder, combustion controller, or combustion shut-off on any source of air contaminant.

SECTION 4. AIR POLLUTION CONTROL COMMITTEE

The Committee shall:

1. Serve at the pleasure of the Air Pollution Control Board, and from its members shall elect a Chairman, Vice Chairman, and any other officers as it deems necessary, and shall meet at the request of the Air Pollution Control Board, or on its own initiative.

2. Assist the Control Officer in determining facts and making investigations into violations of the Regulations contained herein.

3. Advise the Air Pollution Control Board of the necessity of the adoption of any additional air pollution control regulations, or of the necessity to amend any existing Air Pollution Control Regulations.

SECTION 5. CONTROL OFFICER

1. The administrative enforcement of these Regulations shall be performed by the Control Officer.

2. The Control Officer, or his designated agent, shall carry out the policies of the Air Pollution Control Board, and each of the Control Officer's acts shall be subject to review by the Air Pollution Control Board.

3. a. The Control Officer, or his representative may enter into and inspect any property, premise or place on or at which an air contaminant source is located or is being constructed, installed or established at any reasonable time for the purpose of ascertaining the state of compliance with these Regulations.

   b. No person shall:

      (1) Refuse entry or access to any authorized representative of the Board of Health who requests entry for purposes of inspection, as provided in this Section, and who presents appropriate credentials;

(2) Obstruct, hamper or interfere with any such inspection.

c. If requested, the owner or operator of the premises shall receive a report setting forth all facts found which relate to compliance status.

4. The Control Officer at any time may require from any person, such information or analyses as will disclose the nature, extent, quantity or degree of air contaminants which are or may be discharged by such source, and type or nature of control equipment in use, and may require that such disclosures be certified by a professional engineer registered in the State. In addition to such report, the Control Officer may designate an authorized agent to make an independent study and report as to the nature, extent, quantity or degree of any air contaminants which are or may be discharged from the source. An authorized agent so designated is authorized to inspect any article, machine, equipment, or other contrivance necessary to make the inspection and report.

5. The Control Officer may require any person responsible for emission of air contaminants to make or have made tests to determine the emission of air contaminants from any source, whenever the Control Officer has reason to believe that an emission in excess of that allowed by the Air Pollution Control Regulations is occurring. The Control Officer may specify testing methods to be used in accordance with good professional practice. The Control Officer may observe the testing. All tests shall be conducted by reputable, qualified personnel. The Control Officer shall be given a copy of the test results in writing and signed by the person responsible for the tests.

6. The Control Officer may conduct tests of emissions of air contaminants from any source. Upon request of the Control Officer, the person responsible for the source to be tested shall provide necessary holes in stacks or ducts and such other safe and proper sampling and testing facilities, exclusive of instruments and sensing devices as may be necessary for proper determination of the emission of air contaminants.

7. a. Whenever the Control Officer believes that a statute or regulation for the prevention, abatement or control of air pollution has been violated, he shall cause written notice to be served in person or by certified mail upon the person or persons responsible for the alleged violation.

b. The notice shall specify:

(1) The statute or regulation alleged to be violated;

(2) The facts alleged to constitute the violation.

c. The notice may include an order to take corrective action within a reasonable time, which shall be specified. Such an order becomes final unless within 10 days after service of the notice, a person named in the order requests a hearing before the Hearing Board.

d. Without the issuance of an order pursuant to subsection c,, or if corrective action is not taken within the time specified:

   (1) The Control Officer may notify the person or persons responsible for the alleged violation to appear before the Hearing Board at a specified time and place; or

   (2) The Control Officer may initiate proceedings before the Hearing Board for the levying of the appropriate fine.

8. Upon a finding by the Hearing Board that a person has not complied with the terms of an order, or upon the levying of a fine by the Hearing Board, the Control Officer, in the name of the Board of Health, may initiate action in the District Court or other court of competent jurisdiction for injunctive relief, to collect the fine levied, or for other appropriate remedy.

9. It is a condition of the issuance of an operating permit or any registration required by these Regulations that the registrant or holder agrees to permit inspection of the premises to which the permit or registration relates by the Control Officer at any time during the registrant's or holder's hours of operation without prior notice. This condition shall be stated on each registration or application form and operating permit.

10. If a source of air contaminant exists or is constructed without registration or is operated without an operating permit, the Control Officer may inspect it at any reasonable time, and may enter any premises to search for such a source. If entry is refused, or prior to attempting to enter, the Control Officer may apply to any magistrate for a search warrant.

11. The Control Officer shall maintain all procedural forms and instructions pertaining to procedures set forth in these Regulations, and shall make such forms and instructions available upon request of any interested party.

SECTION 6. HEARING BOARD

1. The Hearing Board shall select a Chairman and Vice Chairman and such other officers as it deems necessary, and subject to the approval of the Air Pollution Control Board, may adopt a manual of procedures to govern its operation.

2. Members of the first Hearing Board shall serve the following terms: Two shall be appointed for a term of one year; two shall be appointed

for a term of two years; and one shall be appointed for a term of three years. The succeeding appointments shall be for a term of three years.

3. a. Any person aggrieved by:

   (1) The issuance, denial, renewal, suspension or revocation of an operating permit; or

   (2) The issuance, modification or rescission of any other order by the Control Officer may appeal to the Hearing Board.

   b. The Hearing Board shall decide the appeal, and may order the affirmance, modification or reversal of any action taken by the Control Officer which is the subject of the appeal.

   c. The Hearing Board shall provide by rule for the time and manner in which appeals are to be taken to the Board. Appeals from any order issued pursuant to Section 5.7.c. shall be made in writing within ten (10) days of issuance.

   d. Any decision or order of the Hearing Board may be appealed as provided in Chapter 445.591 of NRS.

4. If a hearing upon an alleged violation is held, the Hearing Board shall:

   a. If it finds that a violation has occurred:

   (1) Affirm or modify an order previously issued by the Control Officer; or

   (2) Issue an order for abatement, control or other appropriate corrective action; or

   (3) Levy such fine that it deems appropriate to the violation, in accordance with Section 25 of these Regulations.

   b. If it finds that no violation has occurred, rescind any order previously issued by the Control Officer.

5. The Hearing Board shall meet within thirty (30) days after receipt of a request by the Air Pollution Control Board, the Air Pollution Control Committee, the Control Officer, or on its own initiative.

6. The Chairman, or in his absence the Vice Chairman of the Hearing Board, may issue subpoenas to compel attendance of any person at a hearing, and require the production of books, records, and other documents material to a hearing.

7. Three members of the Hearing Board must be present to hold a hearing, and a majority of those present must concur in any decision.

8. All testimony must be given under oath and recorded verbatim, by human or electronic means. Upon request, the Chairman shall provide for a transcript at the expense of the requesting party,

9. Hearing Board Proceedings are governed by Chapter 233B of NRS as it relates to contested cases, except as otherwise provided in these Regulations.

10. The Hearing Board may revoke or modify an order, or a variance, only after first holding a hearing of which at least thirty (30) days public notice has been given, unless otherwise specified in these Regulations.

11. a. The owner or operator of a source of air contaminant or a person who desires to establish such a source may apply to the Hearing Board for a variance. There shall be a $10.00 fee for filing any request for a variance. The Hearing Board may grant a variance only if, after public hearing on due notice, it finds from a preponderance of the evidence that:

    (1) The emissions occurring or proposed do not endanger or tend to endanger human health or safety; and

    (2) Compliance with the Regulations would produce serious hardship without equal or greater benefits to the public.

    b. A variance shall not be granted unless the Hearing Board has considered the relative interests of first, the public; second, other owners of property likely to be affected by the emissions; and last, the applicant.

    c. The Hearing Board may in granting a variance impose appropriate conditions upon an applicant, and may revoke the variance for failure to comply.

12. a. A variance may be renewed only under circumstances and upon conditions which would justify its original granting.

    b. Application for any renewal must be made at least sixty (60) days prior to expiration of the variance to be renewed, and the Hearing Board shall give public notice of the application.

    c. If a protest is filed with the Hearing Board against the renewal, the Hearing Board shall hold a public hearing and shall not renew the variance unless it makes specific, written findings, of fact which justify the renewal.

13. a. The following limitations of duration apply to all variances:

(1) If the variance is granted because no practical means is known or available for prevention, abatement or control of the air pollution involved, the variance shall continue only until such means become known and available.

(2) If the variance is granted because compliance with applicable regulations will require measures which, because of extent or cost, must spread over a period of time, the variance shall be granted only for the requisite period as determined by the Hearing Board, and shall specify the time when the successive steps are to be taken.

(3) If the variance is granted for any other reason, it shall be granted for one (1) year or less.

b. A variance whose duration is limited by paragraph (1) or (2) of subsection a. shall be reviewed at least once each year to determine whether practical measures have become available or required steps have been taken.

14. a. No applicant is entitled to the granting or renewal of a variance as of right.

b. Judicial review may be had of the granting or denial of a variance as provided in Chapter 445.591 of NRS.

15. a. Any interested person may request a hearing before the Hearing Board for a declaratory order or advisory opinion as to the applicability of these Regulations, or of actions by the Board of Health, or the Control Officer.

16. Any interested person may file a petition with the Hearing Board for a declaratory order or advisory opinion as to the applicability of these Regulations, or of actions by the Board of Health, or the Control Officer.

SECTION 7. EMERGENCY PROCEDURES

1. If the Control Officer determines that either a generalized condition of air pollution or the operation of one or more particular sources of air contaminant is causing or may cause imminent danger to human health or safety, he may declare that an episode condition such as an alert, warning or an emergency exists. The Control Officer may order the prohibition, restriction, reduction or discontinuance of the emissions of any air contaminant which is causing or may cause aggravation of the condition. The Control Officer shall utilize Section 6 of the Air Quality Implementation Plan for the State of Nevada which is entitled, EMERGENCY EPISODE PLAN, as a guide for actions during an episode condition.

2. Any order issued pursuant to subsection 1 above, shall expire by limitation 24 hours after it takes effect, unless affirmed and extended, modified or set aside by the Hearing Board within that period of time.

3. Enforcement of restrictions on motor vehicle operation may be carried out by Law Enforcement Agencies having jurisdiction within incorporated or unincorporated areas of the Health District.

4. The owner or operator of any stationary source which emits 100 short tons (90.7 metric tons) or more per year of any air contaminant shall prepare and submit to the Control Officer a standby plan for reducing or eliminating emissions of air pollutants during periods of an Air Pollution Alert, Air Pollution Warning, or Air Pollution Emergency as defined in the Emergency Episode Plan.

   a. Each such plan shall be submitted within 90 days of this regulation and shall be subject to review and approval of the Control Officer. Any such plan will be approved unless the Control Officer notifies the owner or operator within 60 days that such plan has been disapproved. The Control Officer will set forth reasons for any disapproval.

   b. The provision of paragraph a. of this subsection shall supercede that contained as part of the EMERGENCY EPISODE PLAN which relates to the time of submittal of standby plans.

   c. Each such plan shall identify the air pollutants emitted by the source, the specific facility from which each air pollutant is emitted, the manner in which reduction of emissions will be achieved during an Air Pollution Alert, Warning, or Emergency, and the approximate reduction in emissions to be achieved by each reduction measure.

   d. During an Air Pollution Alert, Warning or Emergency a copy of such plan shall be made available on the source premises for inspection by the Control Officer.

5. Upon notification by the Control Officer that an Air Pollution Alert, Warning or Emergency has been declared, the owner or operator of each source which has a standby plan approved by the Control Officer shall implement the emission reduction measures specified in such plan.

6. Any owner or operator of a stationary source not subject to the requirements of subsection 1 of this section shall, when requested by the Control Officer in writing, prepare and submit a standby plan in accordance with this section.

SECTION 8. REGISTRATION AND OPERATING PERMITS

1. Any person who causes, lets, permits, suffers, or allows the emission of air contaminants, whether or not limits are established by these Regulations for emission of such contaminants, shall file with the Control Officer, on forms provided by the Control Officer, the following information:

    a. Name and address of business.

    b. Nature of business.

    c. Name of local person responsible for compliance with these Regulations.

    d. Information on methods of refuse disposal.

    e. Information on fuel used for space heat, process heat, or power generation.

    f. A description of the specific nature and quantity of the air contaminants emitted, together with corresponding location or locations of the sources.

    g. Any such other information as may be requested by the Control Officer necessary to determine compliance with these Regulations.

2. The following sources of emission of air contaminants shall be exempt from the registration provision of this section:

    a. Internal combustion engines installed in motor vehicles and special mobile equipment, or any engine used solely as a standby source of motor power.

    b. Natural gas fired or liquefied petroleum gas fired or oil fired equipment (burning No. 1 and No. 2 fuel oil), furnaces, boilers, water heaters or steam generators, having not over one million BTU's per hour total input.

3. Registration Certificates issued by the Control Officer shall not be deemed to be an acceptance or approval of any article, machine, equipment, process or other contrivance listed on said Registration Certificate by the Control Officer, or his agent. Nor shall the issuance of said Registration be construed to show compliance on the part of the Registrant with the Regulations contained herein, limiting the emission of air contaminants into the atmosphere.

4. The Registrant shall provide any information regarding the emission of air contaminants into the atmosphere as the Control Officer may require, and said Registrant shall maintain such registration in current status by notifying the Control Officer of any significant change in any item of information furnished in compliance herewith.

5. The lack of emission limits or controls in these Regulations for items requiring a Registration Certificate shall not be a bar to the requirement for said Certificate.

6. Registration Certificates shall be renewed annually on February 24th of each year, and will require an annual fee as listed in Section 10 of these Regulations.

7. A person who has been granted a Registration Certificate to operate any article, machine, equipment, process, or other contrivance shall display such Registration Certificate in a room or office on the premises readily accessible to Air Pollution Control personnel from the Health Department for inspection or examination, and reasonably close to the equipment or other contrivance which is the subject of such Registration Certificate.

8. No person shall willfully deface, alter, forge, counterfeit, or falsify a Registration Certificate to operate any article, machine, equipment, process, or other contrivance.

9. A Registration Certificate shall not be transferable, by operation of law or otherwise, from one location to another, nor from one piece of equipment to another, but it may be transferred from one person to another upon payment of the required fee.

10. No person shall cause, suffer, or allow the operation of any item requiring a Registration Certificate unless an Operating Permit for such operation has been issued by the Control Officer, and such permit is current and valid.

11. The Control Officer shall issue an Operating Permit to any existing source which is operated in compliance with these and all applicable State and Federal Regulations.

12. The Control Officer may issue an Operating Permit on a conditional basis, to any new source requiring some reasonable time for initial testing, or to any existing source which is not in compliance with applicable emission limitations, but which has had a compliance schedule or variance approved by the Hearing Board.

13. The Operating Permit may be issued only after application is made on forms provided by the Control Officer.

14. Operating Permits are subject to revocation or suspension for violation of these Regulations. Upon a determination by the Control Officer that a permittee is in violation of these Regulations, the Control Officer may serve upon the permittee at the address given on the Registration Certificate, through personal service or by certified mail, a Notice of Suspension or Revocation of Operating Permit, setting forth in detail the violations charged. Such suspension or revocation shall become final and effective ten (10) days

after service of the written notice, and the Operating Permit thereupon surrendered to the Control Officer, unless the permittee files with the Hearing Board, in writing, within ten (10) days after service of the Notice of Suspension or Revocation, an Appeal from such action of the Control Officer. The filing of such appeal shall stay the suspension or revocation of the permit pending a decision thereon by the Hearing Board. The Hearing Board shall meet to decide the appeal no later than thirty (30) days after the filing of the permittee's appeal, and after public hearing on said appeal, affording the permittee and the Control Officer full opportunity to present evidence and testimony, may affirm, modify or set aside the action taken by the Control Officer. For this purpose, public notice of less than thirty (30) days may be given of such appeal hearing.

SECTION 9. NEW AND MODIFIED SOURCES

1. No person shall install or construct any new stationary source, or make modifications to any existing source which will increase or change the effects or characteristics of air contaminants discharged, or install an air cleaning device, unless a Registration Certificate therefor has been issued by the Control Officer.

   a. Application for Registration shall be made on forms furnished by the Control Officer.

   b. A separate application is required for each source.

   c. Each application shall be accompanied by a report and plans, which contain site information, stack data, and the nature and amount of emissions. The information shall be sufficient in scope to enable the Control Officer to make any determination pursuant to the requirements of Section 9.4 of these Regulations.

   d. Each application and report shall be signed by the applicant, and when required by the Control Officer, shall be certified by a licensed professional engineer as to the accuracy of the technical information concerning the equipment and/or control device contained in the report. The signature of the applicant shall constitute an agreement that the applicant shall assume responsibility for the capability of the new source and/or control device to comply with the Regulations when in operation.

   e. Any additional information, plans, specifications, evidence or documentation relating to emissions or control of emissions that the Control Officer may require shall be furnished upon request.

   f. Any changes or alterations to the plans or report affecting the emission from the source shall be reported to the Control Officer and shall be approved prior to implementation.

2. No Registration Certificate will be issued unless the Control Officer has approved the location of the source, and the applicant shows to the satisfaction of the Control Officer that the source will not prevent or interfere with attainment or maintenance of Air Quality Standards set forth in these Regulations.

3. The Control Officer shall act within reasonable time on an application.

4. If at any time prior to issuing an operating permit the Control Officer determines that:

    a. The proposed construction, installation, alteration, or establishment will not be in accordance with the provisions of the plans, specifications, and other design material required to be submitted under these Regulations; or

    b. The design or the construction itself is of such a nature that it patently cannot bring such source into compliance with these Regulations, he shall issue a Stop Order prohibiting the construction, installation, establishment, or alteration of the source.

5. The Stop Order shall set forth the reasons for its issuance and the effective time and date. The Hearing Board shall meet within ten (10) days of filing of an appeal to review the action of the Control Officer in accordance with the provisions of Section 6 of these Regulations.

6. The Control Officer may cancel a Registration Certificate issued under this section if the construction is not begun within one year of date of issuance, or if during construction work is suspended for one year. If said Registration Certificate is cancelled, any fees paid shall be forfeit.

7. A Registration Certificate shall not relieve any owner or operator of the responsibility to comply with all applicable local, State, and Federal Regulations.

8. The relocation, construction or modification of an air contaminant source and/or control device is done at the owner's risk, and does not relieve him from complying with these Regulations.

9. New equipment or changes of process capable of becoming a source of air pollution shall be provided with the maximum control capability which is technically practicable.

10. The provisions of this section shall apply to all air contaminant sources within Clark County except those specifically mentioned below:

    a. Comfort heating equipment with a gross heat input of less than one million BTU's per hour.

    b. Comfort ventilating systems.

c. Internal combustion engines and vehicles used for transport of passengers or freight.

d. Unit space heaters.

e. Vacuum cleaning systems used exclusively for residential or commercial housekeeping.

SECTION 10. ANNUAL REGISTRATION FEES

1. Fuel-Burning Equipment

a. Less than 10 million BTU's per hour	$ 10.00
b. Equal to or more than 10 million but less than 100 million BTU's per hour	$ 50.00
c. Equal to or more than 100 million but less than 1,000 million BTU's per hour	$ 100.00
d. Equal to or more than 1,000 million BTU's per hour	$ 1,000.00

2. Incinerators

a. Less than 500 pounds per hour	$ 50.00
b. Equal to or more than 500 but less than 1,000 pounds per hour	$ 100.00
c. Equal to or more than 1,000 pounds per hour	$ 200.00

3. Process Equipment or Chemical Process

a. Employing less than twenty-five people	$ 100.00
b. Employing twenty-five or more people but less than fifty people	$ 200.00
c. Employing fifty people or more	$ 1,000.00

4. Stationary tank, reservoir, or other container, of more than 40,000 gallons capacity containing gasoline or any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute, or greater	$ 50.00

SECTION 11. SAMPLING AND TESTING - RECORDS AND REPORTS

1. Any person operating any article, machine, equipment, or other contrivance for which registration is required by these Regulations, shall permit the Control Officer, or his agent, to install and maintain sampling and testing facilities as are reasonable and necessary for measurement of emissions of air contaminants. Where existing facilities for sampling or testing are inadequate, the Control Officer may, in writing, require the Registrant to provide and maintain access to, such facilities as are reasonably necessary for sampling and testing purposes by the Control Officer, or his authorized agent, in order to secure information that will disclose the nature, extent, quantity, or degree of air contaminants discharged into the atmosphere from the article, machine, equipment, or other contrivance described in the Registration form or records.

2. The owner or operator of any point source as defined in Title 40 CFR, Part 51.1, Paragraph (k), published in the Federal Register on November 25, 1971, shall maintain records of the nature and amounts of emissions from such source and/or any other information as may be deemed necessary by the Control Officer to determine whether such source is in compliance with applicable emission limitations or other control measures.

3. The information recorded shall be summarized and reported to the Control Officer on forms furnished by the Control Officer and shall be submitted as part of the registration renewal requirement as provided in Section 8.6 of these Regulations.

4. Information recorded by the owner or operator and copies of the summarizing reports submitted to the Control Officer shall be retained by the owner or operator for two years after the date on which the pertinent report is submitted.

5. Emission data obtained pursuant to these Regulations from owners or operators of stationary sources to which air quality standards shall apply shall be correlated with applicable emission limitations and other control measures and will be available to the public during normal business hours at the District Health Center, 625 Shadow Lane, Las Vegas, Nevada 89106.

SECTION 12. UPSET, BREAKDOWN, OR SCHEDULED MAINTENANCE

Operation of any plant or equipment which causes emissions of air contaminants in excess of limits set by these Regulations is in violation of these Regulations unless:

1. Such emissions result from the shutdown of equipment for scheduled maintenance that has been reported to the Control Officer at least twenty-four (24) hours before any such maintenance, and the scheduled maintenance is performed whenever possible during times specified by

the Control Officer as favorable for atmospheric ventilation; and these emissions are minimized as much as reasonably possible during such scheduled maintenance, particularly by performance during periods of non-operation.

2. Such emissions resulting from an upset or breakdown of equipment is ruled by the Hearing Board to be unavoidable and does not indicate careless, marginal, or unsafe operation.

SECTION 13. OPEN BURNING

1. No person shall cause, suffer, allow or permit the burning of any combustible material in any open fire except as provided in this section and then only when such burning has been approved in advance by the Control Officer. Such exceptions are as follows:

   a. When in the judgment of the Control Officer no other method for the disposal of combustible material exists or can reasonably be obtained.

   b. Small fires for recreational, educational, ceremonial, cooking purposes and warmth of human beings, including barbecues and outdoor fireplaces provided they do not create a public nuisance,

   c. Where fire is set by officers of governmental agencies, in performance of their official duties for the purposes of training and instruction of fire-fighting and fire-rescue personnel.

   d. Outside the Las Vegas Valley, when such fire is set on a field used for growing crops in the course of disposing of unused portions of a crop and intermingled weeds resulting from an agriculture operation.

   e. Destruction of highly explosive or dangerous materials for which there is no other practical method of disposal.

   f. Domestic burning of material originating on premises, exclusive of garbage, at a property used exclusively as a private residence or dwelling where there is no collection service available for such material.

2. Notwithstanding subsection 1, any burning so permitted by this section must be controlled so that public nuisance or traffic hazards are not created as a result of the air contaminants being emitted.

3. Nothing in this section shall be construed to prohibit or make unlawful the construction and use of private barbecue pits, grills, or outdoor fireplaces for the preparation of food for comsumption by individuals; nor shall any permit from the Control Officer be required therefor.

4. Open burning shall be prohibited during air pollution episode conditions as defined in Section 6 of the Implementation Plan for the State of Nevada entitled, EMERGENCY EPISODE PLAN.

5. For the purposes of this section, "Las Vegas Valley" is defined as being within the following described boundaries which are referenced to the Mount Diablo Base and Meridian. Beginning at the intersection of the northern boundary of Township 19 South and the western boundary of Range 60 East; thence along a line in a general East by South direction to a point two miles East of the eastern boundary of Range 63 East and two miles South of the northern boundary of Township 19 South; thence along a line in a general South by East direction to a point 1-1/2 miles West of the eastern boundary of Range 63 East and the Southern boundary of Township 22 South; thence generally westerly along the southern boundary of Township 22 South to the western boundary of Range 60 East; thence generally northerly along the western boundary of Range 60 East to the northern boundary of Township 19 South.

SECTION 14. INCINERATORS

1. a. No combustible refuse, other than liquid and gases, shall be burned in any incinerator, cremation device, pathological destructor, or any other device used for disposal or recovery of material by burning, other than a multiple chamber incinerator which the Control Officer has approved, and for which a current and valid operating permit is in effect.

   b. Liquid and gases may be burned only in specific by-product incinerators to burn Type 5 and Type 6 wastes, according to the Incinerator Institute of America Standards, which the Control Officer has approved and for which there is a current and valid registration and operating permit.

2. An incinerator may be operated only during the following periods:

   a. April 1 through October 1, 10:00 a.m. to 5:00 p.m., local time.

   b. October 1 through April 1, 11:00 a.m. to 4:00 p.m., local time.

3. Section 14.2 shall not apply to incinerators of the following types:

   a. Incinerators that have a burning capacity equal to or greater than two (2) tons per hour and which are used to burn at least five (5) tons of refuse per day.

   b. Specific by-product incinerators used to burn Type 5 or Type 6 wastes, according to the Incinerator Institute of America Standards.

4. Crematory and pathological incinerators used to burn Type 4 wastes, according to the Incinerator Institute of America Standards, and incinerators operated by law enforcement officials for the destruction of contraband material may be operated during hours other than those prescribed in subsections a. and b. of Section 14.2 only after obtaining prior written permission from the Control Officer.

SECTION 15. SOURCE REGISTRATION

1. Any person who causes, lets, permits, suffers, or allows the emission of air contaminants, whether or not limits are established by these Regulations for emission of such contaminants, shall register with the Control Officer, on forms provided by the Control Officer. The Application for the Registration shall be accompanied by the appropriate fee as specified in Section 18 of these Regulations.

    a. Name and address of business;

    b. Nature of business;

    c. Name of local person responsible for compliance with these Regulations;

    d. Information on methods of refuse disposal;

    e. Information on fuel used for space heat, process heat, or power generation;

    f. A description of the specific nature and quantity of the air contaminants emitted, together with corresponding location or locations of the sources;

    g. Any such other information as may be requested by the Control Officer necessary to determine compliance with these Regulations;

    h. Applicability of the registration requirements of this section shall be determined by the Control Officer within thirty (30) days of receipt of a written request for such determination.

2. The following sources of emission of air contaminants shall be exempt from the registration provisions of this section:

    a. Internal combustion engines installed in motor vehicles and special mobile equipment;

    b. Natural gas fired or liquefied petroleum gas fired or oil fired equipment (burning No. 1 and No. 2 fuel oil), furnaces, boilers, water heaters, or steam generators, having not over one million BTU's per hour total input.

3. The lack of emission limits or controls in these Regulations for items requiring a Registration Certificate shall not be a bar to the requirement for said Certificate.

4. The Registrant shall provide any information regarding the emission of air contaminants into the atmosphere as the Control Officer may require, and said Registrant shall maintain such registration in current status by notifying the Control Officer of any significant change in any item of information furnished in compliance herewith.

5. Registration for single sources shall be renewed annually on February 24th of each year, and shall include payment of an annual fee as required in Section 16.2 and Section 18 of these Regulations. Registration for complex sources shall only require an initial fee as outlined in Section 18 and shall not require annual renewal.

6. Registration for new and modified sources.

   a. No person shall install or construct any new single source or relocate, or make modifications to any existing single source which will increase or change the effects or characteristics of air contaminants discharged, or install an air cleaning device, unless a Registration Certificate therefor has been issued by the Control Officer.

      (1) Application for Registration shall be made on forms furnished by the Control Officer.

      (2) A separate application is required for each source.

      (3) Each application shall be accompanied by a report and plans, which contain site information, stack data, the nature, size, design, method of operation, amount of emissions and information on equipment to be used for measurement and control. The information shall be sufficient in scope to enable the Control Officer to make any determination pursuant to the requirements of Section 15.6.d. of these Regulations.

      (4) Each application and report shall be signed by the applicant, and when required by the Control Officer, shall be certified by a licensed professional engineer as to the accuracy of the technical information concerning the equipment and/or control device contained in the report. The signature of the applicant shall constitute an agreement that the applicant shall assume responsibility for the capability of the new source and/or control device to comply with the Regulations when in operation;

      (5) Any additional information, plans, specifications, evidence or documentation relating to emissions or control of emissions that the Control Officer may require shall be furnished upon request;

(6) Any change or alterations to the plans or report affecting the emission from the single source shall be reported to the Control Officer and shall be approved prior to implementation.

b. No Registration Certificate will be issued unless the Control Officer has approved the location of the single source, and the applicant shows to the satisfaction of the Control Officer that;

(1) The single source will incorporate emission controls which are equivalent to the Lowest Achievable Emission Rate (LAER) (defined in Section 1);

(2) That all other major stationary sources owned or operated by the Applicant within the State are in compliance with applicable emission limitations;

(3) That these lowest achievable emissions will not prevent or interfere with the attainment or maintenance or Air Quality Standards (in Section 11);

(4) That these lowest achievable emissions will not interfere with Reasonable Further Progress as described in the Las Vegas Valley Air Quality Implementation Plan;

(5) After January 1, 1979, an applicant for a major source of carbon monoxide or hydrocarbons, within the Las Vegas Valley, or which may significantly contribute to CO or HC within Las Vegas Valley shall submit such information as required by the Control Officer so that an analysis can be made of alternative sites, sizes, production processes and environmental control techniques for the source, which demonstrates that the benefits of the proposed source significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification. The Control Officer may require that the analysis be performed by the applicant. The costs of performing the analysis shall be borne by the applicant.

(6) The requirements of 15.6.b.5 are made pursuant to Section 172b(11)(A) of the Clean Air Act Amendments P.L. 95-95.

c. The Control Officer shall act on an application within fifty (50) days, but no sooner than thirty (30) days, after he publishes notice in newspapers of general circulation of receipt of the application which is not confidential, and his preliminary determination of whether the single source will or will not interfere with the maintenance of air quality standards or be consistent with the control strategies set forth in the Nevada State Implementation Plan.

    (1) Subparagraph 15.6.c of Subsection 15.6 shall not apply to minor sources.

  d. If at any time prior to issuing an Operating Permit the Control Officer determines that:

    (1) The proposed construction, installation, alteration, or establishment will not be in accordance with the provisions of the plans, specifications, and other design material required to be submitted under these Regulations; or

    (2) The design or the construction itself is of such a nature that it patently cannot bring such source into compliance with these Regulations;

    (3) He shall issue a Stop Order prohibiting the construction, installation, establishment, or alteration of the source.

  e. The Stop Order shall set forth the reasons for its issuance and the effective time and date. The Hearing Board shall meet within ten (10) days of filing of an appeal to review the action of the Control Officer in accordance with the provisions of Section 7 of these Regulations.

  f. The Control Officer may cancel a Registration Certificate issued under this section if the construction is not commenced within one year of date of issuance, or is during construction work is suspended for one year.

7. A Registration Certificate shall not relieve any owner or operator of the responsibility to comply with all applicable Local, State and Federal Regulations.

8. The relocations, construction or modification of a single air contaminant source and/or control device must be approved in advance by the Control Officer.

9. New equipment or changes of process capable of becoming a source of air pollution shall be provided with the maximum control capability which is technically practicable.

10. The provisions of this section shall apply to all single air contaminant sources within Clark County except those specifically mentioned below:

  a. Comfort heating equipment with a gross heat input of less than one million BTU's per hour.

  b. Comfort ventilating systems.

  c. Mobile internal combustion engines and vehicles used for transport of passengers or freight.

d. Unit space heaters.

e. Vacuum cleaning systems used exlusively for residential or commercial housekeeping.

11. Applicability of the registration requirements of this section shall be determined by the Control Officer within thirty (30) days of receipt of a written request for such determination.

12. Registration Certificates issued by the Control Officer shall not be deemed to be an acceptance or approval of operation of any article, machine, equipment, process or other contrivance listed on said Registration Certificate by the Control Officer or his agent. The Registration Certificate shall not be construed to show compliance on the part of the Registrant with the Regulations contained herein, limiting the emission of air contaminants into the atmosphere.

13. Source Registration Requirements For Areas Exceeding Air Quality Standards

a. This section applies to all new or modified sources of volatile organic compounds, lead, particulate, and carbon monoxide locating in the Las Vegas Valley or outside of the Las Vegas Valley and causing significant impact in the Las Vegas Valley. This section also applies to sources locating in any other area in Clark County exceeding the air quality standards.

(1) Each applicable source shall meet the requirements of subsection 15.6.b.

(2) Additional guidelines for the review of new and modified sources in nonattainment areas are described in the Code of Federal Regulations, Part 51, Appendix S--the Emission Offset Interpretative Ruling. For the purpose of the regulations contained in this section, the applicability of these federal guidelines is extended beyond July 1, 1979.

b. Significant emission rates

The following are defined to be significant emission rates for the pollutants listed:

Volatile Organic Compounds 30 pounds per hour not to exceed 300 pounds per day and not to exceed 50 tons per year.

Particulate (Total Suspended Particulate) 20 Pounds per day, not to exceed 5 tons per year.

Carbon Monoxide 25 tons per year or 150 pounds per day or 15 pounds per hour.

Lead 250 pounds per year or 100 pounds per calendar quarter.

c. Requirements for sources with less than significant emission rate

(1) If for each pollutant listed in subsection 15.14.b, the emissions from new or modified source after applications of LAER are less than significant emission rates, then only the requirements of subsection 15.14.c shall be met.

(2) For volatile organic compounds, if one or more other sources in or near the Las Vegas Valley have received a registration certificate since January 1 of the calendar year in which the application for registration is made, total emissions from the new proposed source and the other approved sources shall not exceed 100 tons per calendar year. If this condition does not exist, the source shall be considered a significant source and shall meet the requirements of subsection 15.14.d.

(3) For carbon monoxide, particulate or lead sources, if no other new or modified source of particulate, lead or carbon monoxide located within a radius of two kilometers has received a registration certificate since January 1 of the calendar year in which the application for registration is made, no further review under 15.14 is required. If this condition does not exist, the source shall be considered a significant source and shall meet the requirments of 15.14.d.

d. Requirements for sources with significant emission rate

(1) If for each pollutant listed in subsection 15.14.b the emission rate, after application of LAER, is equal to or exceeds a significant emission rate, the following conditions shall be met:

(2) For volatile organic compounds, emission reductions ("offsets") from existing sources in the Las Vegas Valley are required such that there will be reasonable progress toward attainment of the air quality standard for ozone.

(3) If, for particulate, carbon monoxide, or lead, the applicable ambient air quality standards are not exceeded within two kilometers or within the significant impact distance of the source, whichever is greater, then the calculated incremental concentration caused by the proposed source shall not cause the applicable standard to be exceeded.

(a) The significant impact distance of the source is that distance to where incremental concentration of the applicable pollutant is equal to one of the following:

POLLUTANT	AVERAGING TIME Annual	 24 Hour	 8 Hour	 Calendar Quarter
TSP	1.0 ug/M^3	5 ug/M^3		
CO			0.5 mg/M^3	
Lead				0.02 ug/M^3

These incremental concentrations are calculated by mathematical models and assumptions approved by the Control Officer.

(4) If, for particulate, carbon monoxide or lead, the applicable ambient air quality standards are exceeded within a 2 Km radius or within the significant impact distance of the source, whichever is greater, then emission reductions ("offsets") are required from existing sources in areas exceeding the applicable standards, such that there is: (1) a net air quality improvement in the areas affected by the source and the emission reductions, and (2) reasonable progress toward attainment of the applicable air quality standards.

SECTION 16. EMISSION OF VISIBLE AIR CONTAMINANTS

A person shall not discharge into the atmosphere, from any single source whatsoever, except for an incinerator, any air contaminants for a period or periods aggregating more than three (3) minutes in any sixty (60) minute period, which is:

1. As dark or darker in shade as that designated No. 1 on the Ringelmann Chart, as published by the United States Bureau of Mines.

2. Of such opacity as to obscure an observer's view to a degree equal to, or greater than does smoke, as described in Section 16.1.

3. Exceptions:

   a. Smoke from fires permitted in Section 13, herein.

   b. Where the presence of uncombined water is the only reason for the failure of an emission to meet the limitations herein, this section shall not apply.

   c. Smoke discharged in the course of training Air Pollution Control Inspectors to observe visible emissions, if written permission is obtained from the Control Officer specifying the times and dates of such training.

4. Any existing source undergoing substantial alteration after the effective date of these Regulations, other than those which have had compliance schedules approved by the Hearing Board before such date, shall incorporate control devices and methods calculated, within the maximum control capability which is technically practicable at the time that work of the alterations is begun, to eliminate all visible emission from the source involved.

Any new source shall incorporate control devices and methods calculated to produce Ringelmann No. 0 or equivalent opacity except for three (3) minutes in any sixty (60) minutes during which time a visible emission of Ringelmann No. 1 or equivalent opacity shall be permitted.

a. For the purposes of this section, "new source" shall be defined as one where no construction has begun as of the effective date of these Regulations.

b. For the purposes of this section, "alteration" shall be defined as meaning any change to an existing source which will produce or result in an increase of visible emission from that source upon completion of the work involved.

5. No person shall cause, suffer, allow, or permit the discharge into the atmosphere from any incinerator any air contaminants for a period or periods aggregating more than one minute in any hour which is:

   a. As dark or darker in shade as that designated No. 1 on the Ringelmann Chart as published by the United States Bureau of Mines.

   b. Of such opacity as to obscure an observer's view to a degree equal to, or greater than does smoke as described in Section 16.5.a.

6. Emission standards for internal combustion engines shall be the same as those adopted by the Nevada State Commission for Environmental Protection as Article 11 in the State of Nevada Air Quality Regulations. These standards shall be a part of these Regulations by reference.

SECTION 17. PARTICULATE MATTER FROM INCINERATORS

1. Incinerators which have a burning capacity of less than two (2) tons per hour and are constructed and permitted prior to the effective date of these Regulations shall not be permitted to discharge into the atmosphere particulate matter in excess of 0.2 grains per standard cubic foot of dry exhaust gas calculated to 12% of carbon dioxide (CO_2) at standard conditions. In measuring the combustion contaminants from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO_2) produced by combustion of any liquid or gaseous fuel shall be excluded from the calculation of 12% of carbon dioxide (CO_2).

2. Incinerators which are constructed and permitted after the effective date of these Regulations except those specified in section a. and b. of Section 14.4 shall not be permitted to release or discharge into the atmosphere particulate matter in excess of 0.1 grains per standard cubic foot of dry exhaust gas calculated to 12% of carbon dioxide (CO_2) at standard conditions. In measuring the combustion contaminants

from incinerators used to dispose of combustible refuse by burning, the carbon dioxide (CO_2) produced by the combustion of any liquid or gaseous auxiliary fuel shall be excluded from the calculation to 12 % of carbon dioxide (CO_2).

3. Those incinerators specified in subsections a. and b. of Section 14.3 shall not be permitted to release or discharge particulate matter in excess of the following amounts based upon the dry weight of refuse charged in pounds per hour:

Dry Refuse Charged pounds per hour	Maximum Allowable Rate of Emission of Particulate Matter, pounds per hour
10	0.00407
50	0.0203
100	0.0407
500	0.203
1,000	0.407
5,000	2.03
10,000	4.07
50,000	20.3
100,000	40.7

Maximum allowable emission rates for intermediate charging rates shall be determined by using the equation

$$E = 40.7 \times 10^{-5} C$$

Where E is the maximum allowable rate of emission of particulate matter in pounds per hour and C is the rate of dry refuse charged in pounds per hour.

SECTION 18. PARTICULATE MATTER FROM PROCESS EQUIPMENT

For purposes of the regulation, the total process weight from all similar process units at a plant or premises shall be used for determining the maximum allowable emission of particulate matter that passes through a stack or stacks. The process weight rate shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. Where the nature of any process or operation or the design of any equipment is such as to permit more than one interpretation of this definition, the interpretation that results in the minimum value for allowable emission shall apply.

No person may discharge in any one hour, from any source with process weight in the following range, dust or fumes in total quantities in excess of the amount shown in the following table.

Where the process weight per hour falls between figures in the left-hand column the exact weight of permitted discharge may be interpolated.

Process Wt/hr (lbs)	Maximum Weight Disch/hr (lbs)
50	.24
100	.46
150	.66
200	.85
250	1.03
300	1.20
350	1.35
400	1.50
450	1.63
500	1.77
550	1.89
600	2.01
650	2.12
700	2.24
750	2.34
800	2.43
850	2.53
900	2.62
950	2.72
1000	2.80
1100	2.97
1200	3.12
1300	3.26
1400	3.40
1500	3.54
1600	3.66
1700	3.79
1800	3.91
1900	4.03
2000	4.14
2100	4.24
2200	4.34
2300	4.44
2400	4.55
2500	4.64
2600	4.74
2700	4.84
2800	4.92
2900	5.02
3000	5.10
3100	5.18
3200	5.27
3300	5.36
3400	5.44
3500	5.52
3600	5.61
3700	5.69
3800	5.77
3900	5.85
4000	5.93
4100	6.01
4200	6.08
4300	6.15
4400	6.22
4500	6.30
4600	6.37
4700	6.45
4800	6.52
4900	6.60
5000	6.67
5500	7.03
6000	7.37
6500	7.71
7000	8.05
7500	8.39
8000	8.71
8500	9.03
9000	9.36
9500	9.67
10000	10.00
11000	10.63
12000	11.28
13000	11.89
14000	12.50
15000	13.13
16000	13.74
17000	14.36
18000	14.97
19000	15.58
20000	16.19
30000	22.22
40000	28.30
50000	34.30
60000 or more	40.00

SECTION 19. FUGITIVE DUST

1. Prohibitions

a. Any person engaged in activities involving the dismantling of buildings, public or private construction, mining or processing sand, gravel, or rock (which includes excavating, crushing, sizing, screening, cleaning, and mixing), the operation of machines and equipment, the grading of roads, and trenching operations, shall take all reasonable precautions to abate nuisance caused by dust and to prevent its transmission beyond the boundry lines of the real property on which it originates. Reasonable precautions may include, but are not limited to, cleaning up, sweeping, sprinkling, compacting, enclosure, chemical or asphalt sealing, or such other measures as the Control Officer may specify to accomplish satisfactory results,

b. After the effective date of these amended Regulations, no owner or lessee of any real property located or situated in Clark County, Nevada, or in any incorporated city therein, shall disturb the topsoil or remove the natural cover and allow the same to remain unoccupied, unused, vacant or undeveloped. Nor shall any owner or lessee of any such property upon which the topsoil has been distrubed or the natural cover removed before the effective date of these amended Regulations allow the same to remain unoccupied, unused, vacant, or undeveloped unless reasonable precautions are taken to prevent fugitive dust originating from such property from becoming airborne.

c. No person shall cause or permit the handling or transporting or storage of any material in a manner which allows or may allow controllable particulate matter to become airborne.

d. Sand and abrasive blasting operations will not be permitted unless effective enclosures or other such dust control devices including but not limited to the injection of water have been installed to prevent excessive sand and dust dispersal.

2. Permission to disturb topsoil

a. No owner, lessee, occupant, operator, user or any other person shall disturb the topsoil of any property within Clark County, Nevada, or within any incorporated city therein of one-quarter acre or more prior to the issuance of a permit by the Control Officer and then only if said permit is current and valid.

b. No person shall disturb the topsoil of any property within Clark County, Nevada, or within any incorporated city therein of one-quarter acre or more at the request or under contract of the owner, lessee, occupant, user, or any other person until he has ascertained that the required permit has been issued by the Control Officer.

c. The requirements of permits in this section shall not apply to agricultural operations or landscaping by a person at his place of residence.

3. Permit Applications

Applications for permits will be obtained from the Office of the Air Pollution Control Officer, 625 Shadow Lane, Las Vegas, Nevada 89106, and will be filed with the Control Officer. The permit may be obtained by either the owner, lessee, developer, or prime contractor,

4. Each application will be accompanied by payment of a fee in accordance with the following schedule:

One-fourth (1/4) acre to two and one-half (2-1/2) acres	$10.00
Two and one-half (2-1/2) acres to five (5) acres	$15.00
Five (5) acres to ten (10) acres	$20.00
Ten (10) acres to twenty (20) acres	$30.00
Twenty (20) acres to forty (40) acres	$40.00
Forty (40) acres to eighty (80) acres	$50.00
Eighty (80) acres or more	$75.00

5. Conditions of Permit

Said permit is to be granted subject to the right of inspection of such land and determination by the Control Officer of any present or potential sand, dust, or dust particles problem. The permit shall be granted subject, but not limited to the following conditions:

a. The applicant presents and agrees to implement an acceptable method to prevent particulate matter from becoming airborne.

b. The applicant presents and agrees to implement an acceptable method of securing the topsoil when the project is finished.

c. The applicant agrees in writing to take additional precautions as may be reasonably prescribed by the Control Officer, consistent with the provisions of this section of the Regulations.

d. The applicant agrees in writing to suspend all or part of his activities, which are related or which may be contributing to a violation of this Section 19 of the Regulations, if he cannot provide satisfactory control of airborne particles, or upon notification by the Control Officer or his representative.

e. As an additional condition to the issuance of a permit under Section 19.2 of these Regulations, the Control Officer may require the posting of a surety bond in a form acceptable to him. Any such bond must be executed by the applicant for the permit as principal with a corporation authorized to transact surety business in the State of Nevada, and shall be conditioned upon faithful performance of all other conditions of the permit and faithful compliance with the provisions of these Regulations. The amount of each bond required by this section shall be fixed by the Air Pollution Control Officer with reference to the applicant's financial and professional responsibility and the magnitude of his operations, but shall be not less than $500.00 or more than $20,000.00.

f. The permittee's signature or that of his authorized agent on the permit shall constitute agreement by the permittee to accept responsibility for meeting the conditions of the permit.

6. Permits Revoked

The Control Officer or his representative may revoke the permit if he finds that any of its conditions are not being fulfilled. Nonfulfillment of any condition set forth in the permit shall be in violation of this section. Upon revocation of a permit, that work which gives rise to violation to the terms of the permit will cease. The Control Officer shall post notices of revocation conspicuously on the property involved. The notice shall indicate the date and time of revocation and shall state the reasons therefor. The revocation will remain in effect until such time as rescinded by the Control Officer and a new permit is issued upon payment of a fee in accordance with the following schedule; provided that the permittee shall have a right to hearing before the Hearing Board within three (3) days from date of issuance of the revocation:

One fourth (1/4) acre to two and one-half (2-1/2) acres . . .	$ 30.00
Two and one-half (2-1/2) acres to five (5) acres.	$ 45.00
Five (5) acres to ten (10) acres.	$ 60.00
Ten (10) acres to twenty (20) acres	$ 90.00
Twenty (20) acres to forty (40) acres	$120.00
Forty (40) acres to eighty (80) acres	$150.00
Eighty (80) acres or more	$225.00

Any person aggrieved by a decision of the Control Officer pursuant to this section may appeal to the Hearing Board as provided in Section 6 of these Regulations.

7. Processing Permit Applications

Permit applications will be processed by the Control Officer as rapidly as possible. Plat or plot plans will be submitted to the Control Officer for review at the time of application. Permits will be issued from approved applications.

8. Information

The Control Officer shall keep local government planning, engineering, and building agencies, and contractors' associations supplied with a written summary of the dust control and permit requirements of this Section 19.

9. Correction of Condition

If loose sand, dust, or dust particles are found to exist in excess of acceptable limits, as determined by the Control Officer, the Control Officer shall notify the owner, lessee, occupant, operator, or user, of said land that said situation is to be corrected within a specified period of time, dependent upon the scope and extent of the problem. The failure to correct said situation within the specified period of time shall be in violation of this section.

10. Remedial Action

The Control Officer, his designated agent, or any other authorized representative of the Health Department, after due notice shall be further empowered to enter upon any said land where any sand or dust problems exists, and to take such remedial and corrective action as may be deemed appropriate to cope with, and relieve, reduce, or remedy the existent sand and dust situation and condition, when the owner, occupant, operator, or any tenant, lessee, or holder of any possessory interest or right in the involved land, fails to do so.

11. Costs

Any cost incurred in connection with any such remedial or corrective action by the Health Department or any person acting for the Health Department shall be assessed against the owner of the involved property, and failure to pay the full amount of such costs shall result in a lien against said real property, which lien shall remain in full force and effect until any and all such costs shall have been fully paid.

SECTION 20. GASOLINE UNLOADING FROM TANK TRUCKS AND TRAILERS INTO STORAGE TANKS

1. A person shall not load, nor permit the loading of gasoline into any stationary storage tank unless such tank is equipped with a permanent submerged fill pipe, the discharge opening of which is entirely submerged when the liquid level is six inches above the bottom of such tank.

2. When loading gasoline into a storage tank from tank truck or trailer, the hose connection to the storage tank fill pipe shall be a tight leak-proof fill connection.

3. For the purpose of these Regulations the term "gasoline" is defined as any petroleum distillate having a Reid vapor pressure of four pounds or greater.

4. The provisions of Section 20.1 shall not apply to any stationary tank with a capacity of less than 250 gallons, nor to the loading of gasoline into any stationary tank installed prior to March 25, 1968 where the fill line between fill connection and such tank is offset, nor to the loading of gasoline into any such tank having a capacity of 2,000 gallons or less which was installed prior to March 25, 1968.

SECTION 21. STORAGE OF PETROLEUM PRODUCTS

A person shall not place, store, nor hold in any stationary tank, reservoir or other container of more than 40,000 gallons capacity any petroleum distillate having a vapor pressure of 1.5 pounds per square inch absolute or greater under actual storage conditions, unless such tank, reservoir, or other container is a pressure tank maintaining working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss into the atmosphere, or unless it is designed and equipped with one of the following vapor loss control devices, properly installed, and in good working order and operation:

1. A floating roof, consisting of a pontoon-type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, to close the space between the roof edge and the tank wall. The control equipment provided for herein shall not be used if the gasoline or petroleum distillate has a vapor pressure of 11.0 pounds per square inch absolute or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place.

2. A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases discharged, and a vapor disposal system capable of processing such hydrocarbon vapors and gases so as to prevent their emission to the atmosphere, and with all tank gauging and sampling devices gas-tight, except when gauging or sampling is taking place.

3. Other equipment of equal efficiency, provided such equipment has first been submitted to and approved by the Control Officer.

SECTION 22. INJUNCTIVE RELIEF

In addition to any remedy of law hereunder, the Control Officer may apply to a court of competent jurisdiction for other equitable and injunctive relief to enforce compliance with, or to restrain violations of any provision of these Regulations, or of any regulation or rule made and adopted pursuant thereto.

SECTION 23. INTERFERENCE WITH CONTROL OFFICER

It is unlawful for any person:

1. To hinder, obstruct, delay, resist, interfere with, or attempt to interfere with, the Control Officer, or any individual to whom authority has been duly delegated for the performance of any duty by these Regulations.

2. To refuse to permit the Control Officer or any individual to whom such authority has been delegated, to administer or perform any function provided for herein, by refusing him at any reasonable time entrance to property or premises, except a private residence, containing equipment or open fire, discharging, or suspected and believed to be discharging, smoke, dust, gas, vapor, or odor into the open air.

3. To fail to disclose information when requested under oath or otherwise, to the Control Officer or any individual to whom such authority has been delegated.

SECTION 24. PERSONS LIABLE FOR PENALTIES - PUNISHMENT: DEFENSE

1. All persons owning, operating, or in charge of control of any equipment or property who shall cause, permit, or participate in, any violation of these Regulations, shall be individually and collectively liable to any penalty or punishment imposed by and under these Regulations.

2. It shall be a defense to any prosecution instituted against any employee of a person owning, operating, or conducting any business, industry, or operation that the acts complained of were done and performed pursuant to the orders and directions of such owner or operator, or his agent or representative, conducting such business, industry or operation.

SECTION 25. ADMINISTRATIVE FINES

1. Any person who violates any provision of these Regulations except Section 16.6 is guilty of a civil offense and shall pay an adminis-

trative fine levied by the Hearing Board of not more than $5,000. Each day of violation constitutes a separate offense. The following fines apply to lesser violations:

a. First Violation

(1) Section 13	$ 25.00
(2) Section 16 (for oil-fired boilers)	$ 25.00
(3) Section 16 (for incinerators)	$ 50.00
(4) Section 19 (fugitive dust)	$ 50.00

b. Second Violation

(1) Section 13	$ 50.00
(2) Section 16 (for oil-fired boilers)	$ 50.00
(3) Section 16 (for incinerators)	$100.00
(4) Section 19 (fugitive dust)	$100.00

c. Third Violation

(1) Section 13	$100.00
(2) Section 16 (for oil-fired boilers)	$100.00
(3) Section 16 (for incinerators)	$200.00
(4) Section 19 (fugitive dust)	$200.00

d. In the event of four (4) or more violations in one year's time or less, the fine may be that which is deemed appropriate by the Hearing Board.

2. Any person aggrieved by an order issued pursuant to this section is entitled to review as provided in Chapter 445.591 or NRS.

3. Nothing contained in Section 25 of these Regulations shall be construed as limiting the authority of the Hearing Board to take other appropriate remedies as are provided in these Regulations.

4. Any person who violates Section 16.6 of these Regulations is guilty of a misdemeanor.

SECTION 26. FUEL BURNING EQUIPMENT

1. General Provisions

a. This regulation applies to installation in which fuel is burned for the primary purpose of producing heat or power by indirect heat transfer in which the products of combustion do not come into direct contact with other materials, Fuels include those such as coke, coal, lignite, coke breeze, fuel oil, and wood, but do not include refuse. When any products or by-products of a manufacturing process are burned for the same purpose or in conjunction with any fuel, the same maximum emission limitations shall apply.

b. The heat content of coal shall be determined according to ASTM method D-271-64 Laboratory Sampling and Analysis of Coal or Coke or ASTM method D-2015-62T Gross calorific value of solid fuel by the Adiabatic Bomb Calorimeter, which publications are made a part of this section by reference.

c. For purposes of this regulation the heat input shall be the aggregate heat content of all fuels whose products of combustion pass through a stack or stacks. The heat input value used shall be the equipment manufacturer's or designer's guaranteed maximum input, whichever is greater. The total heat input of all fuel-burning units on a plant or premises shall be used for determining the maximum allowable amount of particulate matter which may be emitted.

d. The amount of particulate matter emitted shall be measured according to the American Society of Mechanical Engineers' Power Test Codes - PTC-27, dated 1957 entitled, "Determining Dust Concentrations in a Gas Stream," which publication is made a part of this section by reference. The Control Officer may modify this testing procedure or specify the use of more current procedures in accordance with good professional practice.

2. Emission Limitations

a. No person shall cause or permit the emission of particulate matter from any fuel-burning equipment in excess of the quantity set forth in the following table:

Heat input, millions of British thermal units per hour	Maximum allowable rate of emission of particulate matter, pounds per million British thermal units of heat input
10	0.600
50	0.412
100	0.352
500	0.242
1,000	0.207
4,000	0.150
8,000	0.102
10,000	0.0904
15,000	0.0717
20,000	0.0607
40,000	0.0409
50,000	0.0358
100,000	0.0243

b. Maximum allowable emission rates of particulate matter for heat input greater than 10 million but less than 4000 million BTU per hour shall be determined by using the equation

$Y = 1.02\ X^{-0.231}$. Maximum allowable emission rates of particulate matter for heat inputs equal to or greater than 4000 million BTU per hour shall be determined by using the equation

$Y = 17.0\ X^{-0.568}$ where Y = allowable rate of emission in pounds per million BTU and X = maximum heat input in millions of BTU per hour.

c. No person shall cause or permit the emission of sulfur dioxide from any fuel-burning equipment in excess of the quantity set forth in the following table:

Heat input, millions of British thermal units per hour	Maximum allowable rate of emission of sulfur dioxide, pounds per hour
1,000	150
5,000	750
10,000	1,500
15,000	2,250
20,000	3,000
25,000	3,750
30,000	4,500
35,000	5,250
40,000	6,000
45,000	6,750
50,000	7,500

d. Maximum allowable emission rate of sulfur dioxide shall be determined by using the equation $Z = 0.15\ X$ where Z = allowable rate of sulfur dioxide emission in pounds per hour and X = maximum heat input in millions of BTU per hour.

SECTION 27. PROVISIONS OF REGULATIONS SEVERABLE

If any provision of these Regulations or the application thereof to any person or circumstances is held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of these Regulations which can be given effect without the invalid provision of application, and to this end the provisions of these Regulations are declared to be severable.

SECTION 28. CIRCUMVENTION

A person shall not build, erect, install, or use any article, machine, equipment or other contrivance, the use of which, without resulting in a reduction in the total release of air contaminants to the atmosphere, reduces or conceals an emission which would otherwise constitute a violation of these Regulations. This section will not apply to cases in which the only violation involved in the Section 40.140 of the Nevada Revised Statutes or of Section 15 of these Regulations.

SECTION 29. ODORS IN THE AMBIENT AIR

An odor occurrence shall be deemed a violation when a complaint is received and substantiated within two hours by the Control Officer. The Control Officer shall deem the odor occurrence a violation if he is able to make two odor measurements within a period of one hour, these measurements being separated by at least 15 minutes. An odor measurement shall consist of a detectable odor after the odorous air has been diluted with two or more volumes of odor-free air.

SECTION 30. RESTRICTION OF EMISSION OF SULFUR FROM PRIMARY NON-FERROUS SMELTERS

Persons shall not cause, suffer, allow, or permit the emission of sulfur from any stack or chimney into the outdoor atmosphere in excess of the allowable emission shown in the table below.

The maximum allowable weight discharged per hour will be determined by use of the following equations:

Copper smelters	$Y = 0.1X$
Zinc smelters	$Y = 0.282X^{0.85}$
Lead smelters	$Y = 0.49X^{0.77}$

Y = Allowable sulfur emission, lb./hr.
X = Total feed sulfur, lb./hr.

For the purposes hereof, total feed sulfur shall be calculated as the aggregate sulfur content of all fuels and other feed materials whose products of combustion and gaseous by-products are emitted to the atmosphere. When furnaces, sinter machines, sinter boxes, roasters, converters or other similar devices for converting ores, concentrates, residues or slag to the metal or the oxide of the metal either wholly or in part, are released to the atmosphere the combined sulfur input of all units shall be used to determine the allowable emission to the atmosphere.

TABLE

Total feed sulfur	Allowable Sulfur Emissions - Lb./Hr.		
lb/hr	Cu.	Zn.	Pb.
1,000	100	100	100
5,000	500	394	348
10,000	1,000	704	593
20,000	2,000	1,270	1,000
40,000	4,000	2,310	1,000
60,000	6,000	3,210	1,000
80,000	8,000	4,120	1,000
100,000	10,000	5,000	1,000

SECTION 31. SULFUR CONTENTS OF COMMERCIAL FUEL OIL

1. It is unlawful for any person to store, offer for sale, burn, or cause to be burned, within Clark County at any time, any commercial fuel oil having a sulfur content in excess of 1.0 percent by weight.

2. The provisions of this section shall not apply to the use of liquid fuel whenever the supply of gaseous fuel is not physically available to the user due to accident, act of God, act of war, or act of public enemy.

SECTION 32. EVAPORATION AND LEAKAGE

Materials such as, but not limited to, solvent, or other volatile compounds such as paints, acids, alkalies, pesticides, fertilizer, and manure shall be processed, stored, used and transported in such a manner and by such means that they will not evaporate, leak, escape or be otherwise discharged into the ambient air so as to cause or contribute to air pollution; and where control methods are available to reduce effectively the contribution to air pollution from evaporation, leakage, or discharge as determined by the Control Officer, the installation and use of such control methods, devices or equipment shall be mandatory.

SECTION 33. REDUCTION OF ANIMAL MATTER

1. The operation of any article, machine, equipment or other contrivance for the reduction of animal matter is prohibited unless all gases, vapors and gas-entrained effluents are:

   a. Incinerated at temperatures of not less than 1400° F. for not less than 0.3 seconds; or

   b. Processed in a manner determined by the Control Officer to be equally efficient.

2. This regulation does not apply to any article, machine, equipment or other contrivance used exclusively for the processing of food for human consumption.

SECTION 34. GASOLINE LOADING INTO TANK TRUCKS AND TRAILERS

1. A person shall not load gasoline into any tank truck or trailer from any loading facility unless such loading facility is equipped with a vapor collection and disposal system or its equivalent, properly installed, in good working order and in operation.

2. When loading is effected through the hatches of a tank truck or trailer with a loading arm equipped with a vapor collecting adaptor, a pneumatic, hydraulic or other machanical means shall be provided to force a vapor-tight seal between the adaptor and the hatch. A means shall be provided to prevent liquid gasoline drainage from the loading device when it is removed from the hatch of any tank truck or trailer, or to accomplish complete drainage before such removal.

3. When loading is effected through means other than hatches, all loading and vapor lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected.

4. The vapor disposal portion of the system shall consist of one of the following:

   a. A vapor-liquid absorber system with a minimum recovery efficiency of 90 percent by weight of all the hydrocarbon vapors and gases entering such disposal system.

   b. A variable vapor space tank, compressor, and fuel gas system of sufficient capacity to receive all hydrocarbon vapors and gases displaced from the tank trucks and trailers being loaded.

   c. Other equipment of at least 90 percent efficiency, provided such equipment is submitted to and approved by the Air Pollution Control Officer.

5. This section shall not apply to the loading of gasoline into tank trucks and trailers from any loading facility from which not more than 20,000 gallons of gasoline are loaded in any one day.

6. For the purpose of this section, any petroleum distillate having a Reid vapor pressure of four pounds or greater shall be included by the term "gasoline."

SECTION 35. COMPLIANCE SCHEDULES

1. Any existing source not in compliance with emission limitations hereinafter adopted, or which is not operating under a compliance schedule approved by the Hearing Board shall submit a compliance schedule to the Control Officer for review no later than 90 days after adoption of such emission limitations.

2. The Hearing Board shall hold a public hearing on each compliance schedule within 60 days after submission of such schedule to the Control Officer.

3. The Hearing Board may approve, disapprove, alter, or change all or any part of a compliance schedule, or may impose its own schedule upon the source involved.

4. Compliance schedules shall contain as a minimum:

    a. Appropriate increments of progress.

    b. Final date of compliance with the appropriate emission limitations.

SECTION 36. AMBIENT AIR QUALITY STANDARDS

1. The following concentrations of air contaminants shall not be exceeded at any single point in the ambient air:

    a. Sulfur oxides as sulfur dioxide:

Annual arithmetic mean	60 ug/M^3 (0.02 ppm)
Maximum 24 hr. concentration	260 ug/M^3 (0.1 ppm)
Maximum 3 hr. concentration	1300 ug/M^3 (0.5 ppm)

    b. Suspended particulate matter:

Annual geometric mean	60 ug/M^3
Maximum 24 hr. concentration	150 ug/M^3

    c. Carbon monoxide:

Maximum 3 hr. concentration	10 mg/M^3 (9.0 ppm)
Maximum 1 hr. concentration	40 mg/M^3 (35.0 ppm)

d. Photochemical oxidant:

Maximum 1 hr. concentration	160 ug/M^3 (0.08 ppm)

e. Non-methane hydrocarbons:

Maximum 1 hr. concentration	160 ug/M^3 (0.24 ppm)

f. Nitrogen dioxide:

Annual arithmetic mean	100 ug/M^3 (0.05 ppm)

2. ug/M^3 means micrograms of air contaminant per cubic meter of air.

   mg/M^3 means milligrams of air contaminant per cubic meter of air.

   ppm means parts of air contaminant by volume per million parts of air by volume.

3. The methods of measurement shall be those prescribed in Appendices A through F, inclusive, of § 410 of Chapter IV, Title 42, Code of Federal Regulation, published in the Federal Register on April 30, 1971. These may change from time to time.

4. Adoption of these Ambient Air Quality Standards shall not be considered in any manner to allow significant deterioration of existing air quality in any portion of Clark County.

SECTION 50. STORAGE OF PETROLEUM PRODUCTS

1. A person shall not place, store, nor hold in any stationary tank, reservoir or other container of more than 151.412 liters (40,000 gallons) capacity any petroleum liquid having a vapor pressure of 78 mm Hg (1.5 pounds per square inch absolute) or greater under actual storage conditions, unless such tank, reservoir or other container is a pressure tank maintaining working pressure sufficient at all times to prevent hydrocarbon vapor or gas loss into the atmosphere, or unless it is designed and equipped with one of the following vapor loss control devices, properly installed, and in good working order and operation:

   a. A floating roof, consisting of a pontoon type or double-deck type roof, resting on the surface of the liquid contents and equipped with a closure seal, to close the space between the roof edge and the tank wall. The control equipment provided for herein shall not be used if the petroleum product has a vapor pressure of 572 mm Hg (11.0 pounds per square inch absolute) or greater under actual storage conditions. All tank gauging and sampling devices shall be gas-tight except when gauging or sampling is taking place;

b. A vapor recovery system, consisting of a vapor gathering system capable of collecting the hydrocarbon vapors and gases so as to prevent their emission to the atmosphere, and with all tank gauging and sampling devices gas-tight, except when gauging or sampling is taking place;

c. Other equipment of equal efficiency, provided such equipment has first been submitted to and approved by the Control Officer.

2. a. There shall be no visible holes, tears or other openings in the seal or seal fabric of the tank reservoir or other container for the storage of petroleum liquids.

b. All openings, except stub drains, are to be equipped with a cover, seal or lid. The cover, seal or lid is to be in a closed position at all times except when the device is in actual use. Automatic bleeder vents are to be closed at all times except when the roof is floated off or landed on the roof leg supports. Rim vents, if provided, are to set to open when the roof is floated off the roof leg supports or at the manufacturer's recommended setting.

SECTION 51. PETROLEUM PRODUCT LOADING INTO TANK TRUCKS AND TRAILERS

1. A person shall not load any petroleum product having a vapor pressure of 78 mm Hg (1.5 psia) or greater into any tank truck, trailer, or tank car from any loading facility dispensing 18925 kilo liters (5,000,000 gallons) annually unless such loading facility is equipped with a vapor collection and disposal system or its equivalent, properly installed, in good working order and in operation.

a. No person shall load any petroleum product having a vapor pressure of 78 mm Hg (1.5 psia) or greater into any tank truck, trailer or tank car from any loading facility dispensing less than 18925 kiloliters (5,000,000 gallons) annually unless such loading equipment is designed for bottom loading only or uses a submerged fill tube extending to within 76.2 mm (3 inches) of the bottom of the tank being filled.

2. When loading is effected through the hatches of a tank truck or trailer with a loading arm equipped with a vapor collecting adaptor, a pneumatic, hydraulic or other mechanical means shall be provided to force a vapor-tight seal between the adaptor and the hatch. A means shall be provided to prevent liquid gasoline drainage from the loading device when it is removed from the hatch of any tank truck or trailer, or to accomplish complete drainage before such removal.

3. When loading is effected through means other than hatches, all loading and vapor lines shall be equipped with fittings which make vapor-tight connections and which close automatically when disconnected.

4. The vapor disposal portion of the system shall consist of one of the following:

a. A vapor-liquid absorber system with a minimum recovery efficiency of 90 percent by weight of all the hydrocarbon vapors and gases entering such disposal system;

b. A variable vapor space tank, compressor, and fuel gas system of sufficient capacity to receive all hydrocarbon vapors and gases displaced from the tank trucks and trailers being loaded;

c. Other equipment of at least 90 percent efficiency provided such equipment is submitted to and approved by the Air Pollution Control Officer.

5. The loading shall be accomplished in such a manner that the mixture of vapor and air displaced from the delivery vessel will be vented only to the vapor recovery system.

SECTION 52. HANDLING OF GASOLINE AT SERVICE STATIONS, AIRPORTS AND STORAGE TANKS

1. Storage tanks:

   A person shall not load, nor permit the loading of gasoline into any stationary storage tank unless such tank is equipped with a permanent submerged fill pipe, the discharge opening of which is entirely submerged when the liquid level is six (6) inches above the bottom of such tank.

2. During loading operations, including hook up of delivery and vapor hoses and disconnection of hoses after completion of loading, spillage of gasoline shall be minimized by best available equipment and personnel practices.

3. The provisions of Subsection 52.1 shall not apply to any stationary tank with a capacity of less than 251 gallons, nor to the loading of gasoline into any stationary tank installed prior to March 25, 1968, where the fill line between fill connection and such tank is offset, nor to the loading of gasoline into any such tank having a capacity of 2,000 gallons or less which was installed prior to March 25, 1968.

4. New gasoline stations:

   a. After January 1, 1978, no person shall operate any new gasoline station in the Las Vegas Air Quality Maintenance Area unless the affected facility is equipped with a vapor control system capable of recovering the vapors displaced during the filling of any of its gasoline storage tanks by a tank truck.

   b. The vapor control systems must meet the following specifications:

      (1) The vapor control system shall prevent release to the atmosphere of not less than ninety percent (90%) by weight of organic compounds in the vapor displaced;

(2) The displaced vapors shall be recovered by a vapor recovery system involving both the storage tank and tank truck as specified in this Subsection or Subsection 52.4.b.3;

(a) The system shall include a vapor-tight gasoline fill connector; and

(b) A vapor-tight return line to the tank truck of at least 76 mm (3 inches) nominal diameter; and

(c) Devices or procedures approved by the Control Officer which will reasonably insure that the vapor line is connected before gasoline can be transferred into the storage tank; and

(d) The tank truck shall be designed and maintained in a vapor-tight condition. The owner of the tank-truck shall submit an approved maintenance plan to the Control Officer which describes the inspection and testing procedures and scheduling of same.

(3) The displaced gasoline vapors shall be recovered by a vapor control system approved by the Control Officer and with a net emission rate conforming to paragraph 52.4.b.1;

(4) The vapor laden tank truck shall be refilled with liquid only at facilities equipped with a vapor control system in accordance with Subsection 51.4 of these Regulations;

(5) The vapor control equipment at the gasoline station shall be maintained as necessary by its operators, so that the vapor control system will continue to meet the specifications of Subsection 52.4.b.

c. All new gasoline stations shall be considered minor sources and are subject to the applicable requirements of Sections 15 and 16 of these Regulations, pertaining to source registration and operating permits.

d. Exemptions:

(1) The following shall be exempted from the Regulations of Subsection 52.4;

(2) New gasoline stations with a combined tank capacity of less than 251 gallons;

(3) Tank trucks, which supply gasoline to only those gasoline stations that are exempted from installing vapor control equipment, will be exempted from the requirements of Subsection 52.4 for said deliveries;

(4) Facilities which refill said tank trucks, which supply only gasoline stations that are exempted from installing vapor control equipment, will not be required to install a vapor control system as described in Subsection 51.4 of these Regulations.

5. Existing Gasoline Stations:

   a. After January 1, 1979, no person shall operate an existing gasoline station in the Las Vegas Air Quality Maintenance Area unless the affected facility is equipped with a vapor control system capable of recovering the vapors displaced during the filling of any of its gasoline storage tanks;

   b. The vapor control system must satisfy the specifications listed in Subsection 52.4.b.

   c. Exemptions:

      (1) The following shall be exempt from the Regulations of Subsection 52.5.

      (2) Existing gasoline stations with an annual combined output of less than 363,360 liters (96,000 gallons);

      (3) Tank trucks which supply gasoline to only those gasoline stations that are exempted from installing vapor control equipment, will be exempted from the requirements of Subsection 52.5 for said deliveries;

      (4) Facilities which refill tank trucks, which supply only those gasoline stations that are exempted from installing vapor control equipment, will not be required to install a vapor control system in accordance with Section 51 of these Regulations.

6. Registration of Gasoline Stations:

   a. All existing gasoline stations shall apply for Registration Certificates on forms provided by the Air Pollution Control Officer;

      (1) Existing gasoline stations shall submit the application at least two months prior to installation of equipment but in no case later than November 1, 1978;

      (2) For new gasoline stations, the application shall be submitted to the Control Officer in accordance with Section 15 of these Regulations.

7. Information required by the Air Pollution Control Officer:

a. All gasoline stations shall submit information pertaining to tank capacities and output for the period specified by the Control Officer on the forms provided by the Control Officer. This information shall be submitted not later than March 1, 1978, or when directed for existing stations and at the time of submission of the application for registration for new gasoline stations;

b. Information requested in Section 52.6 and 52.7 which relate to quantities or sales, or if disclosed, would tend to affect adversely the competitive position of the owner or operator shall, upon written request to the Control Officer, be protected as confidential information in accordance with Nevada Revised Statutes Chapter 445.576.

8. Filling of gasoline tanks of motor vehicles:

   a. No person shall fill or top-off, or permit the filling or topping-off, of gasoline tanks of motor vehicles to a level which allows spillage of such gasoline.

9. Airplane refueling areas:

   a. After January 1, 1978, no person shall operate an airplane refueling area unless the affected facility is equipped with a system capable of recovering the vapors displaced during the filling of the gasoline storage tanks;

   b. The recovery system must satisfy the specifications listed in Subsection 52.4.b;

   c. Exemptions:

      (1) The airplane refueling areas with an annual combined output of less than 96,000 gallons of gasoline shall be exempt from the regulations of Subsection 52.9.

   d. Registration of airplane refueling areas:

      (1) Airplane refueling areas in operation as of September 1, 1977, shall apply for Refistration Certificates on forms provided by the Air Pollution Control Officer before November 1, 1977;

      (2) Airplane refueling areas commencing operation after September 1, 1977, shall apply for a Registration Certificate in accordance with Section 15 of these Regulations.

10. Test procedures:

    a. Test procedures shall be those approved by the Air Pollution Control Officer.

SECTION 60. EVAPORATION AND LEAKAGE

1. General:

   a. Materials such as, but not limited to, solvent, or other volatile compounds such as paints, acids, alkalies, pesticides, fertilizer, and manure shall be processed, stored, used and transported in such a manner and by such means that they will not evaporate, leak, escape or be otherwise discharged into the ambient air so as to cause or contribute to air pollution; and where control methods are available to reduce effectively the contribution to air pollution from evaporation, leakage, or discharge as determined by the Control Officer, the installation and use of such control methods, devices or equipment shall be mandatory.

2. Degreasing:

   a. Degreasing operations will only be permitted under the following conditions:

      (1) Disposal or transfer to another person of waste solvent is not permitted where evaporation into the atmosphere is greater than ten percent (10%) by weight of the solvent;

      (2) Waste solvent shall only be stored in covered containers;

      (3) Degreasing containers shall be equipped with a cover that can be operated by one hand and this cover is to be kept closed at all times except when actually adding material to be cleaned or removing material which has been cleaned;

      (4) Cleaned material shall be allowed to drain for at least fifteen (15) seconds or until dripping of solvent has ceased;

      (5) When solvent is applied by a hose or other type of pressure system the solvent must be in the solid fluid state. Spraying or atomization for purposes of application is not permitted. Application pressure shall be low enough to prevent excessive splashing of the solvent;

      (6) Degreasing containers shall be equipped with a permanent conspicuous label, summarizing operating requirements;

      (7) When a highly volatile solvent is being employed, the degreasing facility must be equipped with internal drainage, so that the parts are enclosed under the cover while draining. The drainage facility may be external if an internal type cannot fit into the system;

(8) If the degreasing operation employs a highly volatile solvent, or if a solvent is heated above 50 C (120 F), then one of the following control devices must be used:

1) freeboard that gives a freeboard ratio 0.7,
2) water cover (solvent must be insoluable in and heavier than water), or
3) other systems of equivalent control.

3. Surface Coating:

a. Surface coating operations at large appliance manufacturers shall be accomplished only with the use of Reasonably Available Control Technology which will achieve a ninety percent (90%) reduction of organic emissions.

4. Cutback Asphalts:

a. Definitions:

(1) Cutback Asphalt - Cutback asphalts are mixtures of volatile organic compounds and a vase asphalt of selected viscosity. Solvent is of low, medium, or high volatility depending upon construction use;

(2) Medium Curing (MC) - A cutback asphalt generally using kerosene as the solvent;

(3) Rapid Curing (RC) - A cutback asphalt generally using highly volatile gasoline or naptha as the solvent;

b. After July 1, 1980, use of slow curing (SC), medium curing (MC), or rapid curing (RC) cutback asphalt for paving purposes is prohibited.

c. Exceptions to 60.4.a are as follows:

(1) The use of slow or medium curing cutback asphalt may be allowed as a penetrating prime coat on light gravel surfaces for temporary traffic;

(2) The use of slow or medium curing cutback asphalt may be placed in long period storage or for the stockpiling of patching mixes used for paving maintenance;

(3) Cutback asphalts may be used when the forecast ambient temperature for the twenty-four (24) hour period following application of such asphalt is not expected to exceed 10 C (50 F).

LANDER COUNTY, NEVADA

LANDER COUNTY DUST ORDINANCE

LC 8-78

SECTION 1.

Any person, firm partnership, corporation, association or other owner or occupant of any real property within the confines of Lander County who desires or plans to disturb the surface thereof by means of removing the surface vegetation, grading, plowing, discing, or any other means whereby dust or other particulate matter will be expelled into the air shall first file with the Board of County Commissioners an application for a permit.

SECTION 2.

The application required by Section One shall state the name of the owner and occupant of the real property, a log description of the real property sought to be disturbed, the reason for the disturbance, the eventual one for which the disturbed property will be used and a plan or method by which the applicant will reduce the dust or other particulate matter which will be expelled into the air. Said application shall be considered the Board of County Commissioners at the next regularly scheduled meeting thereof, provided the same is filed at least ten days prior thereto. If the Board determines that the application is in proper form and that the permit should be granted, said permit will be issued forthwith. If the permit is refused, a written statement of the reasons for the refusal shall be transmitted by the clerk of the Board to the applicant.

SECTION 3.

No application or permit shall be required from an owner or occupant unless a surface area in excess of one acre shall be disturbed.

SECTION 4.

Any person, firm, partnership, corporation, association or other entity engaged in the business of hauling minerals, ores, concentrates or other mining products on or over the unpaved portions of any street, road or highway within the confines of the Town of Battle Mountain, or within one-half mile thereof, shall take such measures, including sprinkling with water, as are reasonably necessary to reduce or eliminate the expelling of dust or other particulate matter into the air, whenever the conditions of the road surface so require.

SECTION 5.

Any person, firm, partnership, corporation, association or other entity maintaining an uncovered stockpile of mineral material or ore within five (5) miles of the Town of Battle Mountain shall take such measures, including sprinkling with water, as are reasonably necessary to reduce or eliminate expelling of Dust or other particulate matter into the air, whenever the conditions of the road surface so require.

SECTION 6.

It shall be the duty of the Lander County Guiding Inspector to inspect road surfaces as set forth in Section Four above and uncovered stockpiles as set forth in Section Five above and to recommend to the users thereof the appropriate methods to take in order to reduce or eliminate the expelling of dust or other particulate matter into the air and to further recommend when such methods shall be utilized.

SECTION 7.

Each calendar day that a violation of the ordinance continues shall be considered a separate violation thereof.

SECTION 8.

This Ordinance shall become, upon its passing and approval, a part of the Lander County Plan for the reduction of air pollution in the Battle Mountain area.

SECTION 9.

A violation of this Ordinance, or of any of the provisions hereof shall constitute a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding Five Hundred Dollars ($500.00) or by imprisonment in the Lander County Jail for a period not to exceed six (6) months or by both such fine and imprisonment.